

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
 TWO THOUSAND AND TWENTY TWO
PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY
WRIT PETITION NO: 31543 OF 2021

Between:

Sri. Pardha Saradhi Gajula, S/o. Sri Gopala Krishna Murthy, Aged about 44 years, Occ.Business, R/o. Plot No. 1167, Flat No. G-1, Padmavathi Pride Apartment, Pragathi Nagar, Bachupally Mandal, Medchal- Malkajgiri District Represented by his Development Agreement-Cum GPA Holder Sri OM Sairam Constructions Rep. by its partners Sri V. Srinivas Rao S/o. V. Subba Rao, age.50 years, Occ. Business, R/o. H.No. 95/LIG KPHB Colony, Hyderabad and Sri Manikyala Rao S/o. Sri. A/CH Naidu, aged about 39 years, Occ. Business, R/o. G-2, Jupiter Tower, Pragathi Nagar, Kukatpally, Hyderabad.

...PETITIONER

AND

1. State of Telangana, Represented by its Principal Secretary, Stamps and Registration Department, Secretariat, Hyderabad.
2. The Sub-Registrar, Quthbullapur, Ranga Reddy District.
3. The Commissioner and Inspector, General of Registration and Stamps, Telangana State.
4. The Dundigal Municipality, Represented by its Commissioner, Dundigal, Medchal Malkajgiri, Ranga Reddy District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ or Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in refusing to receive, register and release the Sale deed presented by the petitioner in respect of semi finished flat No. 301 in Third Floor of SRI NILAYAM-III with built up area of 1040 Sq.ft (including common area and car parking) along with an undivided share of land admeasuring 28.0 Sq.yds (out of 250.0 Sq.yds) on Plot bearing No. F-17, in Survey Nos. 540 situated at Simhapuri Colony of Bowrampet village, Dundigal-Gandimaisamma memo bearing No. G2/257/2019 dated 26/8/2020 issued by the 3rd respondent and (ii) Letter bearing No. 89/TPO/Dun/Mp/2019 dated 20/12/2019 issued by the 4th respondent as illegal, arbitrary and contrary to the provisions of registration Act, 1908 and also contrary to the orders passed

by this Honble Court in W.P.NO. 9248 of 2021 dated 23/8/2021 and consequently direct the 2nd respondent to receive, register and release the sale deed presented by the petitioner in respect of semi finished flat No. 301 in Third Floor of SRI NILAYAM-III with built up area of 1040 Sq.ft (including common area and car parking) along with an undivided share of land admeasuring 28.0 Sq.yds (out of 250.0 Sq.yds) on Plot bearing No. F-17, in Survey Nos. 540 situated at Simhapuri Colony of Bowrampet village, Dundigal-Gandimaisamma Mandal under Dundigal Municipality, Medchal -Malkajgiri District.

IA NO: 1 OF 2021 :

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent herein to receive, register and release the sale deed presented by the petitioner in respect of semi finished flat No. 301 in Third Floor of SRI NILAYAM-III with built up area of 1040 Sq.ft (including common area and car parking) along with an undivided share of land admeasuring 28.0 Sq.yds (out of 250.0 Sq.yds) on Plot bearing No. F-17, in Survey Nos. 540 situated at Simhapuri Colony of Bowrampet village, Dundigal-Gandimaisamma Mandal under Dundigal Municipality, Medchal -Malkajgiri District and without reference to memo bearing No. G2/257/2019 dated 26/8/2020 issued by the 3rd respondent and (ii) Letter bearing No. 89/TPO/Dun/Mp/2019 dated 20/12/2019 and as directed by this Honble Court in W.P.NO.9248 of 2021;

Counsel for the Petitioner	:SRI. V RAMESH REDDY
Counsel for the Respondents 1 TO3	: AGP for REVENUE
Counsel for the Respondent 4	:SRI N PRAVEEN KUMAR

THE COURT MADE THE FOLLOWING ORDER:

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.31543 OF 2021

ORDER:

Heard both sides and perused the material on record.

2. It is submitted by the learned counsel on either side that the subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P.No.328 of 2022 and batch dated 18.02.2022, as modified by the order dated 22.02.2022 in I.A.No.2 of 2022 in W.P.No.2985 of 2022 and batch, and therefore, keeping the matter pending will not serve any purpose, as such, the same may be disposed of in terms thereof.

3. This Court passed interim order in this writ petition directing the respondents to receive, process, register and release the subject document/s. However, conditions were imposed that (a) the petitioner/s is/are not permitted to withdraw the writ petition and (b) registration shall be subject to final result of the writ petition.

4. In view of the above, recording the aforesaid submission of the learned counsel on either side, following the common order dated 18.02.2022 in W.P. No.328 of 2022 and batch, as modified by the order dated 22.02.2022 in I.A. No.2 of 2022 in W.P.No.2985 of 2022, in terms thereof, this writ petition is disposed of as under, without any order as to costs:

(A) If the subject document/s has/have already been registered and released pursuant to the interim order;

(i) the document/s registered by the Sub-Registrar shall be subject to outcome of SLP (Civil) No.19695 of 2021 filed by the State Government before the Hon'ble Supreme Court; and

(ii) in case, it is found that there is any violation of law like plots/lands/structures being sold form part of F.T.L. and Buffer Zone/Plots having less than 30 feet road width access, the Sub Registrar shall make an endorsement informing/cautioning the purchasers that risk is involved in purchase of such plots; such transactions are hit by relevant statutory provisions; that

registration of the same is subject to outcome of orders of the Hon'ble Supreme Court in SLP (Civil) No.19695 of 2021. To that effect, an endorsement shall be made in the encumbrance record, website etc.

(B) If the subject document/s is/are not yet registered and released pursuant to the interim order;

(i) the respondent - Sub-Registrar is directed to register the document of sale, transfer and gift etc., presented for registration by the petitioner/s without reference to the Memo Nos.G2/257/2019 dated 26.08.2020 and 29.12.2020 issued by the respondent-the Commissioner and Inspector General of Registration and Stamps, Telangana; Letter No.45/TP/NMC/2019 dated 01.11.2019 issued by the respondent-the Commissioner, Municipal Corporation, Nizampet to the respondent-the Sub Registrar, Quthbullapur, Ranga Reddy District, and similar letters, if any, issued by various Municipal Commissioners in the State;

(ii) the Sub Registrars in the State shall make an endorsement at the reverse side of the first page of the document referred in direction No.(i) that registration so done is subject to outcome of SLP (Civil) No.19695 of 2021 filed by the State Government before the Hon'ble Supreme Court; and

(iii) in case, it is found that there is any violation of law like plots / lands / structures being sold form part of F.T.L. and Buffer Zone / Plots having less than 30 feet road width access, the Sub Registrar shall make an endorsement informing / cautioning the purchasers that risk is involved in purchase of such plots; such transactions are hit by relevant statutory provisions; that registration of the same is subject to outcome of orders of the Hon'ble Supreme Court in SLP (Civil) No.19695 of 2021. To that effect, an endorsement shall be made on the reverse side of the first / second page of the document and also in the encumbrance record, website etc.

The miscellaneous petitions pending, if any, shall stand closed.

There shall be no order as to costs.

SD/- T. TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

1. The Principal Secretary, Stamps and Registration Department, State of Telangana, Secretariat, Hyderabad.
2. The Sub-Registrar, Quthbullapur, Ranga Reddy District.
3. The Commissioner and Inspector, General of Registration and Stamps, Telangana State.
4. The Commissioner, Dundigal Municipality, Dundigal, Medchal Malkajgiri, Ranga Reddy District
5. One CC to SRI. V RAMESH REDDY Advocate [OPUC]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
7. One CC to Sri N Praveen Kumar (S.C.) (OPUC)
8. Two CD Copies

HIGH COURT

BVRJ

DATED:17/03/2022



ORDER

WP.No.31543 of 2021

WRIT PETITION IS DISPOSED OF WITHOUT COSTS

(11) Copies
WPS