

**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: 31569 OF 2021

Between:

Ponnaganti Prasanth, S/o Sambasiva Rao, R/o H.No.4-5- 16/B/1, 3/3 Lane
Navabharathi Nagar Ring Road, Goutham Concept School, Guntur, A.P.

...Petitioner

AND

1. The State of Telangana, Rep. by its Secretary, Revenue (Stamps and Registration) Department, Secretariat, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana State.
3. The Sub-Registrar, Quthbullapur, Medchal Malkajgiri District.
4. The Nizampet Municipal Corporation, Nizampet, Medchal Malkajgiri District, rep. by its Commissioner

...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, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in refusing to receive register the Sale Deed submitted by the petitioner for registration with regard to the Semi-finished Flat No.302, in Third Floor, with built up area of 1100 sft., along with Car Parking and un-divided share in the land in the building known as "MARUTHI SREE RESIDENCY", Plot No.1415, in Block No.90- A, Sy.Nos.165, 166, 167, 178 and 179, situated at Bachupally village and Mandal, Nizampet municipal Corporation, Medchal Malkajgiri District on the ground of Memo bearing No.G2/257/2019 dt.26/08/2020 issued by the 2nd respondent and the letter dt.01/11/2019 issued by the 4th respondent restraining the registrations, as highly illegal, arbitrary and contrary to the orders of this Hon'ble Court in WP.No.9248 of 2021 and consequently direct the 3rd respondent to receive, register and release the Sale Deed submitted by the petitioner for registration with regard to the Semi-finished Flat No.302, in Third Floor, with built up area of 1100 sft., along with Car Parking and un-divided share in the land in the building known as "MARUTHI

SREE RESIDENCY", Plot No.1415, in Block No.90-A, Sy.Nos.165, 166, 167, 178 and 179, situated at Bachupally village and Mandal, Nizampet municipal Corporation, Medchal Malkajgiri District, without reference to the memos No.G2/257/2019 dt.26/08/2020 issued by the 2nd respondent and letter of the 4th respondent dt.01/11/2019;

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 3rd respondent to receive, register and release the Sale Deed submitted by the petitioner for registration with regard to the Semi-finished Flat No.302, in Third Floor, with built up area of 1100 sft., along with Car Parking and un-divided share in the land in the building known as 'MARUTHI SREE RESIDENCY', Plot No.1415, in Block No.90-A, Sy.Nos.165, 166, 167, 178 and 179, situated at Bachupally village and Mandal, Nizampet Municipal Corporation, Medchal Malkajgiri District, without reference to the memos No.G2/257/2019 dt.26/08/2020 issued by the 2nd respondent and letter of the 4th respondent dt.01/11/2019 pending disposal of the writ petition:

Counsel for the Petitioner(s): SRI. N M KRISHNAIAH

Counsel for the Respondents No. 1-3: GP FOR STAMPS AND REGISTRATION

Counsel for the Respondents No. 4: SRI N. PRAVEEN KUMAR

The Court made the following:

ORDER:

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.31569 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/N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat, State of Telangana, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana State.
3. The Sub-Registrar, Quthbullapur, Medchal Malkajgiri District.
4. The Commissioner, Nizampet Municipal Corporation, Nizampet, Medchal Malkajgiri District.
5. One CC to Sri N M Krishnaiah Advocate [OPUC]
6. One CC to Sri N Praveen Kumar [SC]
7. Two CCs to GP for Stamps and Registration, High Court for the State of Telangana, Hyderabad [OUT]
8. Two CD Copies

SWT

HIGH COURT
DATED:17/03/2022

ORDER

WP.No.31569 of 2021



WRIR PETITION IS DISPOSED OF WITHOUT COSTS.

(11) copies