

**HIGH COURT FOR THE STATE OF TELANGANA
(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: 31931 OF 2021**

Between:

M/s S.R.Constructions, Rep. By its Managing Partner, Sri. Anthati Saidulu, S/o A. Lingaiah, Occ. Business, R/o H.No.1-59, Nizampet Village, Hyderabad, Telangana State-90.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Stamps and Registration Department, Secretariat, Hyderabad, Telangana State-500 004.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana State.
3. The Sub-Registrar, Quthubullapur, Medchal- Malkajgiri District, Telangana State.
4. The Nizampet Municipal Corporation, Rep.by its Commissioner, Bachupally Mandal, Medchal-Malkajgiri 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 of Mandamus or any other appropriate Writ, Order or direction particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in not receiving, registering and releasing the petitioner sale deeds in respect of semi-finished Flat No.302 and 305 (in Third Floor), Flat No.401, and 403 (in Fourth Floor), Flat No.501 (in Fifth Floor) of "S.R.Fortune Heights-Block-A", constructed on Open Land Admeasuring 4235 Sq.yds, in Sy.No.240, Situated at Nizampet Village, Under Nizampet Municipal Corporation, Bachupally Mandal, Medchal- Malkajgiri District, Telangana State, on the basis of Memo No.G2/257/2019 dt.26.08.2020 issued by the 2nd respondent, and Letter No.45/TP/NMC/2019 dated 01.11.2019 issued by the 4th respondent, as illegal, unjust and arbitrary, consequently Direct the 3rd respondent to receive, register and release the Sale Deeds presented by the petitioner in respect of semi-finished Flat No.302 and 305 (in Third Floor), Flat No.401 and 403 (in Fourth Floor), Flat No.501 (in Fifth Floor) of "S.R.Fortune Heights-Block-A", constructed on Open Land Admeasuring 4235 Sq.yds, in Sy.No.240, Situated at Nizampet Village, Under Nizampet Municipal Corporation, Bachupally Mandal, Medchal- Malkajgiri District, Telangana State, without reference to the Memo No.G2/257/2019 dt.26.08.2020 issued by the 2nd respondent, and Letter No.45/TP/NMC/2019 dt.01.11.2019 issued by the 4th respondent, as directed in W.P.No.9248/2021, in the interest of justice,

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 Deeds presented by the petitioner in respect of semi- finished Flat No.302 and 305 (in Third Floor), Flat No.401, and 403 (in Fourth Floor), Flat No.501 (in Fifth Floor) of "S.R.Fortune Heights-Block-A", constructed on Open Land Admeasuring 4235 Sq.yds, in Sy.No.240, Situated at Nizampet Village, Under Nizampet Municipal Corporation, Bachupally Mandal, Medchal- Malkajgiri District, Telangana State, without reference to the Memo No.G2/257/2019 dt.26.08.2020 issued by the 2nd respondent, and Letter No.45/TP/NMC/2019 dt.01.11.2019 issued by the 4th respondent, as directed in W.P.No.9248/2021, pending disposal of the writ petition, in the interest of justice,

Counsel for the Petitioner: SRI. P VENKANNA

Counsel for the Respondent No's. 1 to 3: Asst. GP FOR REVENUE

Counsel for the Respondent No.4:SRI N.PRAVEEN KUMAR (SC FOR MC)

THE COURT MADE THE FOLLOWING ORDER:

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.31931 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.

//TRUE COPY//

SD/K.VENKAIAH
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Stamps and Registration Department, State of Telangana, Secretariat, Hyderabad, Telangana State-500 004.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana State.
3. The Sub-Registrar, Quthubullapur, Medchal- Malkajgiri District, Telangana State.
4. The Commissioner, Nizampet Municipal Corporation, Bachupally Mandal, Medchal-Malkajgiri District.
5. One CC to SRI. P VENKANNA Advocate [OPUC]
6. Two CCs to GP FOR REVENUE , High Court for the State of Telangana at Hyderabad [OUT].
7. One CC to SRI N.PRAVEEN KUMAR (SC FOR MC), Advocate [OPUC]
8. Two CD Copies

PVB

HIGH COURT
DATED:17/03/2022



ORDER

WP.No.31931 of 2021

WRIR PETITION IS DISPOSED OF WITHOUT COSTS.

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