

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO
PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY
WRIT PETITION NO: 33496 OF 2021

Between:

Kurva Srinivas, S/o K. Gundappa, Occ. Business, R/o H.No.6-6-30/1, Herur Ward, Near Kanyapatashala High School, Tandur, Vikarabad District, Telangana State

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary Revenue (Registration and Stamps Department), Secretariat, Hyderabad
2. The Commissioner and Inspector, General Stamps and Registration Moazzam Jahi Market, Hyderabad, T.S.
3. The District Registrar, Revenue Registration and Stamps Department Moosapet, Ranga Reddy District
4. The Sub Registrar, Revenue Registration and Stamps Department SRO, Tandur, Vikarabad 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 any Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondent No.4 orally refusing to register the pending documents vide Doc.Nos.P887/2021 dated 04/12/2021 and 888/2021 dated 04/12/2021 respectively presented by Petitioner in respect of (1) Plot No.1, admeasuring 555 Sq yards, (2) Plot No.2 admeasuring 227 Sq yards, both situated in Sy.No.322, Kokat Village, Yalal Mandal, Vikarabad District, on the ground of Memo issued by the Respondent No.2 vide No.G2/257/2019 dated 26/08/2020, and Amended Memo No.G2/257/2019 dated 29/12/2020, inspite of Order dated 23/08/2021 passed by this Honourable Court in WP.No.9248/2021 is illegal, arbitrary and contrary to the provisions of Registration Act 1908 and set aside the same and consequently direct the Respondent No.3 and 4 to receive, register and release the pending Documents in respect of subject plots without reference to the Memo issued by the Respondent No.2 vide No.G2/257/2019 dated 26/08/2020, and Amended Memo No.G2/257/2019 dated 29/12/2020.

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 Respondent No.4 to receive, register and release the pending documents vide Doc.Nos.P887/2021 dated 04/12/2021 and 888/2021 dated 04/12/2021 respectively presented by Petitioner in respect of (1) Plot No.1, admeasuring 555 Sq yards, (2) Plot No.2 admeasuring 227 Sq yards, both situated in Sy.No.322, Kokat Village, Yalal Mandal, Vikarabad District, without reference to Memo issued by the Respondent No.2 vide No.G2/257/2019 dated 26/08/2020, and Amended Memo No.G2/257/2019 dated 29/12/2020, pending disposal of main Writ Petition.

Counsel for the Petitioner: SRI. M A K MUKHEED

Counsel for the Respondents: GP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.33496 OF 2021

ORDER (ORAL):

Heard both sides and perused the material on record.

2. It is submitted by the learned counsel on either side that 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 the 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.

As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition stand closed.

//TRUE COPY//

Sd/- T. TIRUMALA DEVI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary Revenue (Registration and Stamps Department), Secretariat, State of Telangana, Hyderabad
2. The Commissioner and Inspector, General Stamps and Registration Moazzam Jahi Market, Hyderabad, T.S.
3. The District Registrar, Revenue Registration and Stamps Department Moosapet, Ranga Reddy District
4. The Sub Registrar, Revenue Registration and Stamps Department SRO, Tandur, Vikarabad District
5. One CC to SRL M A K MUKHEED Advocate [OPUC]
6. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana. [OUT]

Two CD Copies

LAK

HIGH COURT

DATED:16/03/2022

ORDER

WP.No.33496 of 2021



WRIT PETITION IS DISPOSED OF WITHOUT COSTS

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