

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

TUESDAY, THE EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 36828 OF 2021

Between:

1. MANSOOR ALI KHAN S/o. LATE YOUSUF ALI KHAN, Aged about 42 years, Occ. Business, R/o H.No.16-6-483, Osmanpura, Kattalaguda, Hyderabad
 2. Asia Sultana, D/o. Late Yousuf Ali Khan, R/o. H.No.17-2-922/D, Rein Bazar, Hyderabad
- Both Represented by their GPA Holder M/s. Anwar and Associates, Engineers and Promoters, 302 UBAS, Babukhan Estates, Basheerbagh, Hyderabad, T.S.
A Registered Partnership Firm Represented by its Managing Partner, Mohammed Anwar Waheed S/o Mohammed Abdul Khader, R/o. 16-1-26/9, Jayanagar Colony, Saidabad, Hyderabad

...PETITIONERS

AND

1. The State of Telangana, rep. by its Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat Buildings, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana State, # 5-3-953, Nizam Shahi Road, Mozamzahi Market, Herza Estate, Risala Abdullah Colony, Jambagh, Hyderabad, Telangana 500095
3. The Sub-Registrar, Azampura, Hyderabad

...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 pass an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the Respondent No.3 in refusing to receive, process, register and release the Sale Deed to be presented by the Petitioners in respect of Flat No. 501, (Pent House in fifth floor) admeasuring 920 square feet (including common areas) and Terrace open space of 1000 square feet along with undivided share of 20 square yards out of 210 square yards, in ANWAR RESIDENCY in Premises Bearing House No. 16-6-483, totally admeasuring 210 square yards, situated at Osmanpura, Kattalaguda, Hyderabad, Telangana State, by referring the grounds of Memo No.G2/257/2019 Dated 26.08.2020 issued by the Respondent No.2 as it being illegal, arbitrary unjustified and against to the provisions of law and consequently direct the Respondent No.3 to receive, process, register and release the Sale Deed to be presented by the Petitioners pertaining to the subject property, thereby to release the same in accordance with law without referring the grounds of Memo No.G2/257/2019 Dated 26.08.2020.

IA NO: 1 OF 2021

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in the writ petition, the High Court may be pleased to direct the Respondent No.3 to receive, process, register and release the Sale Deed to be presented by the Petitioners in respect of Flat No. 501, (Pent House in fifth floor) admeasuring 920 square feet (including common areas) and Terrace open space of 1000 square feet along with undivided share of 20 square yards out of 210 square yards, in "ANWAR RESIDENCY" in Premises Bearing House No. 16-6-483, totally admeasuring 210 square yards, situated at Osmanpura, Kattalaguda, Hyderabad, Telangana State, without referring the Memo No.G2/257/2019, Dated 26.08.2020 issued by the Respondent No.2

Counsel for the Petitioners : SRI DUGGU UMA MAHESHWAR
Counsel for the Respondents : ASSISTANT GP FOR REVENUE

The Court made the following ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.36828 OF 2021

ORDER:

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;

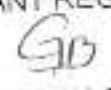
(ii) the Sub Registrars in the State shall make an endorsement at the reverse side of the first page of the document referred in direction No.(i) that registration so done is subject to outcome of SLP (Civil) No.19695 of 2021 filed by the State Government before the Hon'ble Supreme Court; and

(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.

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Sd/- B. SATYAVATHI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration) Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana State, # 5-3-953, Nizam Shahi Road, Mozamzahi Market, Herza Estate, Risala Abdullah Colony, Jambagh, Hyderabad, Telangana 500095
3. The Sub-Registrar, Azampura, Hyderabad
4. One CC to SRI. DUGGU UMA MAHESHWAR Advocate [OPUC]
5. Two CCs to the GP for Revenue, High Court for the State of Telangana. [OUT]
6. Two CD Copies

HIGH COURT

Dated: 08/03/2022



ORDER

WP.No. 36828 of 2021

Disposing of the WP
Without costs.

(9)

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