

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: 36832 OF 2021****Between:**

NOOR-UL-HAQ, S/o MOHD. GIASUDDIN Aged about 43 years, Occ. Service
R/o H. No. 11-2-693, Habeebnagar, Mallepally, Hyderabad, T.S.,

...PETITIONER**AND**

1. The State of Telangana, Rep by its Principal Secretary Stamps and Registration Department Secretariat, Hyderabad, T.S.,
2. Inspector General Stamps and Registrations, Telangana, Registration Bhavan, 4th and 5th Floor, Nizamshahi Road, Osmangunj, M.J. Market, Hyderabad - 500001
3. Greater Hyderabad Municipal Corporation, Rep by its Commissioner, Tank Bund Road, Hyderabad, Telangana State.
4. The Sub Registrar, Golconda Hyderabad, Telangana State

...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 not receiving, registering and releasing the documents in favour of the prospective purchasers produced by the Petitioner, basing on 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, for the residential Flat No. 102, First Floor, admeasuring 1100.00 Sq Feet, including common area, along with undivided share of land 23.00 Sq Yards out of total area (248.00) in Premises Bearing Municipal No. 10-3-257 and 10-3-257/A, situated at Humayun Nagar, Hyderabad, Telangana State inspite of Order dated 23-08-2021 passed by this Honble Court in WP. No. 9248/2021 is illegal, arbitrary and violation of articles 14, 21 and 300-A of Constitution of India also against the Principles of natural justice and consequently direct the Respondent No. 4 to receive, register and release the Document in favour of the Prospective purchasers produced by the Petitioner for the Residential Flat No. 102, First Floor, admeasuring 1100.00 Sq Feet, including common area, along with undivided share of land 23.00 Sq Yards out of total area (248.00) in Premises Bearing Municipal No. 10-3-257 and 10-3-257/A, situated at Humayun Nagar, Hyderabad, Telangana State

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 Document in favour of the prospective purchasers produced by the Petitioner for the Residential Flat No. 102, First Floor, admeasuring 1100.00 Sq Feet, including common area, along with undivided share of land 23.00 Sq Yards out of total area (248.00) in Premises Bearing Municipal No. 10-3-257 and 10-3-257/A, situated at Humayun Nagar, Hyderabad, Telangana State.

Counsel for the Petitioner : SRI. MOHIN SHARIEF

Counsel for the Respondent Nos. 1, 2 & 4: ASSISTANT GP FOR STAMPS AND REGISTRATION

Counsel for the Respondent No. 3: SRI PASHAM KRISHNA REDDY, SC FOR GHMC

The Court made the following ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.36832 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.

SD/- C. V. MALLIKARJUNA VARMA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Stamps and Registration Department State of Telangana, Secretariat, Hyderabad, T.S.,
2. Inspector General Stamps and Registrations, Telangana, Registration Bhavan, 4th and 5th Floor, Nizamshahi Road, Osmangunj, M.J. Market, Hyderabad - 500001
3. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund Road, Hyderabad, Telangana State.
4. The Sub Registrar, Golconda Hyderabad, Telangana State
5. One CC to SRI. MOHIN SHARIEF Advocate [OPUC]
6. One CC to SRI. PASHAM KRISHNA REDDY, SC FOR GHMC [OPUC]
7. Two CCs to the GP for STAMPS AND REGISTRATION, High Court for the State of Telangana. [OUT]
8. Two CD Copies

HIGH COURT

BVRJ

DATED:08/03/2022



ORDER

WP.No.36832 of 2021

DISPOSING OF THE WRIT PETITION WITHOUT COSTS

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