

**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: 36825 OF 2021**

Between:

1. Abdul Azeem Khan S/o. Late Abdul Moin Khan, Aged about 41 years, Occ Business, R/o.H.No. 9-5-99/1/E, Ramdevguda, Hyderabad-031
2. Mohammed Abdul Azeem Azmath, S/o. Mohammed Abdul Hafeez, rep by his General Power of Attorney, Mohammed Abdul Majid, S/o.Mohammed Abdul Hafeez, Aged about 62 years, Occ Business, R/o.H.No.8-13-139/117, Kings Colony, Charminar, 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
3. The Sub-Registrar, Rajendranagar, Ranga Reddy District
4. The Greater Hyderabad Municipal Corporation, Tank Bund, 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 issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent herein refusing to receive, register and release the sale deed and release deed presented by the petitioners in respect of Flat No. 501 on 5th Floor is an extent of 1005 sq.ft with an undivided land of 50 sq.yards of NASR Residency, Flat No.502 on 5th Floor is an extent of 795 Sq.ft along with undivided land of 25 Sq.yards of NASR Residency, Flat No.503 on 5th Floor is an extent of 990 Sq.ft along with undivided land of 40 Sq.yards of NASR Residency and Pent house is an extent of 1785 Sq.ft along with undivided land of 10 Sq.yards of NASR Residency, constructed on Plot Nos 566/1, 567/1(Part) and Part of 567/2 forming part of Sy.No.134/20, situated at Shastripuram Colony, Meer Sagar, Hamlet of Mailardevpally Village, GHMC Rajendranagar Circle, Ranga Reddy District on the ground that the proceeding No. G2/257/2019 dated 26-08-2020 issued by the 2nd respondent is wholly illegal, arbitrary and contrary to the provisions of the Registration Act and consequently direct the 3d respondent herein to receive, register and release the sale deed and release deed presented by the petitioners herein in respect of Flat No. 501 on 5th Floor is an extent of 1005 sq.ft with an undivided land of 50 sq.yards of NASR Residency, Flat No.502 on 5th Floor is an extent of 795 Sq.ft along with undivided land of 25 Sq.yards of NASR Residency, Flat No.503 on 5th Floor is an extent of 990 Sq.ft along with

undivided land of 40 Sq.yards of NASR Residency and Pent house is an extent of 1785 Sq.ft along with undivided land of 10 Sq.yards of NASR Residency, constructed on Plot Nos 566/1, 567/1(Part) and Part of 567/2 forming part of Sy.No.134/20, situated at Shastripuram Colony, Meer Sagar, Hamlet of Mailardevpally Village, GHMC Rajendranagar Circle, Ranga Reddy District.

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 3rd respondent herein to receive, register and release the sale deed and release deed presented by the petitioners herein in respect of F. No. 501 on 5th Floor is an extent of 1005 sq.ft with an undivided land of 50 sq.yards of NASR Residency, Flat No.502 on 5th Floor is an extent of 795 Sq.ft along with undivided land of 25 Sq.yards of NASR Residency, Flat No.503 on 5th floor is an extent of 990 Sq.ft along with undivided land of 40 Sq.yards of NASR Residency and Pent house is an extent of 1785 Sq.ft along with undivided land of 10 Sq.yards of NASR Residency, constructed on Plot Nos 566/1 567/1(Part) and Part of 567/2 forming part of Sy.No.134/20, situated at Shastripuram Meer Sagar, Hamlet of Mailardevpally Village, GHMC Rajendranagar Circle, Ranga Reddy District

Counsel for the Petitioners : SRI I V RADHAKRISHNA MURTHY

Counsel for the Respondents : ASSISTANT GP FOR REVENUE

The Court made the following ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.36825 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.

//TRUE COPY//

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
3. The Sub-Registrar, Rajendranagar, Ranga Reddy District
4. The Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad
5. One CC to Sri I V Radhakrishna Murthy Advocate [OPUC]
6. Two CCs to the GP for Revenue, High Court for the State of Telangana. [OUT]
7. Two CD Copies

HIGH COURT
DATED:08/03/2022



ORDER

WP.No.36825 of 2021

WRIT PETITION IS DISPOSED OF WITHOUT COSTS.

10 copies.