

**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: 37081 OF 2021 ✓

Between:

Mr Syed Abdul Amjad, S/ o S A. Rahman, Occ. Pharmacist, R/o H.No.12-2-396/
15, Shaheed Nagar, Hyderabad.

...Petitioner

AND

1. The State of Telangana, Revenue (Stamps and Registration) Department, Rep. by its Principal Secretary, Secretariat, Hyderabad.
2. The Commissioner and Inspector General, Registration and Stamps Department, RTC X Roads, Hyderabad, Telangana State.
3. The District Registrar, Registration and Stamps Department, Hyderabad.
4. The Sub-Registrar, Registration and Stamps Department, Golconda, 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 order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in not receiving the conveyance deed/ sale deed/Gift deed/s for Registration of Flat No.302 on third floor admeasuring 710 Square Feet (including common areas and scooter parking) together with un-divided share of land 15 Square Yards or 12.54 Square Meters, (out of total land of 186 Square Yards) in premises bearing Municipal No.12-2-389/A/121, on Plot No.121, situated at Shaheed Nagar, Gudimalkapur, Hyderabad, T.S., on the ground that the subject flat cannot be registered in terms of Memo.No.G2/257/2019 dated 26-08-2020 and Clarification Memo.No.G2/257/2019 dated 29-12-2020 issued by the 2nd respondent as arbitrary, illegal, contrary to order passed by a Division Bench of this Hon'ble Court in W.P.No.9248 of 2021 dated 23-08-2021 and also against to the provisions of the Registration Act and consequently direct the respondent No.4 forthwith receive, process, register and release the conveyance/ sale deed/ Gift deed/s to be presented by the petitioner in respect of the above said flat No.302 without

reference to the Memo.No.G2/257/2019 dated 26-08-2020 and Clarification Memo.No.G2/257/2019 dated 29-12-2020 issued by the 2nd respondent 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 respondent No.4 to receive, process, register and release the conveyance/ sale deed/ Gift deed/s to be presented by the petitioner in respect of Flat No.302 on third floor admeasuring 710 Square Feet (including common areas 86 scooter parking) together with un-divided share of land 15 Square Yards or 12.54 Square Meters, (out of total land of 186 Square Yards) in premises bearing Municipal No. 12-2-389/A/ 121, on Plot No.121, situated at Shaheed Nagar, Gudimalkapur, Hyderabad, T.S., during the pendency of the present writ petition in the interest of justice;

Counsel for the Petitioner(s): SRI. C KUMAR

Counsel for the Respondents: GP FOR STAMPS AND REGISTRATION

The Court made the following:

ORDER:

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.37081 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/T.KRISHNA KUMAR
ASSISTANT REGISTRAR



SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat, State of Telangana, Hyderabad.
2. The Commissioner and Inspector General, Registration and Stamps Department, RTC X Roads, Hyderabad, Telangana State.
3. The District Registrar, Registration and Stamps Department, Hyderabad.
4. The Sub-Registrar, Registration and Stamps Department, Golconda, Hyderabad.
5. One CC to Sri C Kumar Advocate [OPUC]
6. Two CCs to GP for Stamps and Registration, High Court for the State of Telangana, Hyderabad [OUT]
7. Two CD Copies

SWT

HIGH COURT
DATED:08/03/2022

ORDER

WP.No.37081 of 2021



WRIR PETITION IS DISPOSED OF WITHOUT COSTS.

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