

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

THURSDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 38872 OF 2022

Between:

Abdul Khadeer Jeelani, S/o. Mohd.Hafeez, Occ Employee, r/o. Plot No.6,7,32
and 33, Ravindra Nagar, Habsiguda, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary (Stamps and Registrations), Secretariat, Hyderabad.
2. The Sub - Registrar, Malkajigiri, Malkajigiri/Medchal District.
3. The Telangana State Wakf Board, Rep. By its Chief Executive Officer, Huz House, Nampally, 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 a writ or order or direction more particularly in the nature writ of mandamus declare the in action of the Respondents 2nd not receiving the document presented by the petitioner for the property bearing No. 43 - 397/1A (PTI No. 1171004637) on Plot No. 51/2, in survey No.411 to an extent of 100 sq.yards or 83.6 sq. mtrs situated at Krishna Nagar, Hanuman Nagar Colony, Moula - Ali, Malkajigiri, under GHMC of Malkajigiri circle and Mandal, Malkajigiri/Medchal District is illegal, arbitrary and against to the provisions of law and contrary rights guaranteed under 300 - A of Constitutional of India and consequently direct the 2nd Respondent to entertain the registration of the Sale Deed presented by the petitioner without insisting no - objection certificate (NOC) from the 3rd Respondent.

IA NO: 1 OF 2022

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.2nd herein to consider documents filed by the petitioner herein pertaining to the property bearing No. 43 - 397/1A (PTI No. 1171004637) on Plot No. 51/2, in survey No.411 to an extent of 100 sq.yards or 83.6 sq. mtrs situated at Krishna Nagar, Hanuman Nagar Colony, Moula - Ali, Malkajigiri, under GHMC of Malkajigiri circle and Mandal, Malkajigiri/Medchal District in favour of the petitioner.

Counsel for the Petitioner: SRI. DANTU VENKATA RAMANA SARMA

Counsel for the Respondent No.1 to 2: GP FOR STAMPS AND REGISTRATION
(TG)

Counsel for the Respondent No.3: SRI ABU AKRAM STANDING COUNSEL FOR
WAQF BOARD

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.38872 of 2022

ORDER:

Heard learned counsel appearing for the petitioner, learned Assistant Government Pleader for Stamps and Registration and Sri Abu Akram, learned Standing Counsel for Waqf Board.

2. Learned counsel appearing for the petitioner as well as learned Standing Counsel appearing for the Waqf Board would submit that the issue involved in this writ petition is squarely covered by the common order passed by this Court in W.P.No.39286 of 2022 and batch, dated 28.10.2022.

3. Following the said common order, dated 28.10.2022, and for the reasons alike in the said common order, this Writ Petition is also disposed of directing the respondent - Sub Registrar to receive, register and release the subject document that may be presented by the petitioner for registration in respect of the property bearing No.43-397/1A (PTI No.1171004637) on Plot No.51/2 in Survey No.411 to an extent of 100 sq. yards or 83.6 sq. meters situated at Krishna Nagar, Hanuman Nagar Colony, Moula-Ali, Malkajgiri, under GHMC Malkajgiri Circle and Mandal, Medchal Malkajgiri District, without reference to the

Gazette Notification No.6-A, published in A.P. Gazette Part-II, dated 09.02.1989 and Notification No.27-A, published in A.P. Gazette, Part-II, dated 01.07.2004, subject to petitioner satisfying with the other requirements, as contemplated under the Registration Act, 1908 and the Indian Stamp Act, 1899. If the respondent-Waqf Board has got any claim on the subject property, it is open for Waqf Board to pursue such rights, in accordance with law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary (Stamps and Registrations), Secretariat, State of Telangana, Hyderabad.
2. The Sub - Registrar, Malkajigiri, Malkajigiri/Medchal District.
3. The Chief Executive Officer, Telangana State Wakf Board, Huz House, Nampally, Hyderabad.
4. One CC to SRI. DANTU VENKATA RAMANA SARMA Advocate [OPUC]
5. One CC to SRI. ABU AKRAM, Standing Counsel for Waqf Board [OPUC]
6. Two CCs to GP FOR STAMPS AND REGISTRATION (TG), High Court for the State of Telangana. [OUT]
7. Two CD Copies

HIGH COURT

MSK.J

DATED:08/12/2022

ORDER



WP.No.38872 of 2022

WRIT PETITION IS DISPOSED OF WITHOUT COST