

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

WEDNESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 44201 OF 2022

Between:

Kambalapalli Naresh Kumar, S/o. K.Laxman Rao, Age. 48 Years, Occ.
Government Servant, R/o. H. No. 17-2-870/18, Madannapet, Old Eidgha,
Saidabad, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary to the Stamps and Registration Department, Secretariats Building, Hyderabad.
2. The District Registrar, Ranga Reddy District, Hyderabad.
3. The Sub- Registrar, Champapet, Ranga Reddy District.

...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 an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent No. 3 in refusing to receive, process and register the gift deed submitted by the petitioner in regarding with his plot of land admeasuring 150.00 Sq.Yds equal to 125.41 Sq.Mtrs in Plot No. 210, in Sy. No.59, situated at Nadergul Village, Sarcoornagar Mandal, Ranga Reddy District, under Badangpet Nagar Panchayath, is nothing but arbitrary, illegal, null and void and violative of principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India. Consequently direct the respondent No. 3 to receive, process and register the gift deed submitted by the petitioner in regarding with his plot of land admeasuring 150.00 Sq.Yds equal to 125.41 Sq.Mtrs in Plot No. 210, in Sy. No. 59, situated at Nadergul Village, Sarcoornagar Mandal, Ranga Reddy District, under Badangpet Nagar Panchayath.

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. 3 to receive, process and register the gift deed submitted by the petitioner in regarding with his plot of land admeasuring 150.00 Sq.Yds equal to 125.41 Sq.Mtrs in Plot No. 210, in Sy. No. 59, situated at Nadergul Village, Saroornagar Mandal, Ranga Reddy District, under Badangpet Nagar Panchayath.

Counsel for the Petitioner: SRI. K.VENUMADHAV

Counsel for the Respondents: GP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.44201 of 2022

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Stamps and Registration appearing for the respondents.

2. The grievance of the petitioner in this writ petition is that respondent No.3 is refusing to receive, process and register the gift deed sought to be presented by the petitioner for registration in respect of the open plot bearing No.210 admeasuring 150 sq. yards in Survey No.59 situated at Nadergul Village, Saroornagar Mandal, Ranga Reddy District, under the provisions of the Registration Act, 1908 (for short, 'the Act, 1908') on the ground that there was an order of *status quo* passed in I.A.No.2 of 2019 in O.S.No.317 of 2004, dated 02.01.2019 on the file of the II Additional Senior Civil Judge, Ranga Reddy District.

3. Learned Assistant Government Pleader placed before this Court the written instructions received by respondent No.3.

4. A perusal of the said written instructions shows that by virtue of the order, dated 02.01.2019, passed in I.A.No.2 of 2019 in O.S.No.317 of 2004 on the file II Additional Senior Civil

Judge, Ranga Reddy District, the survey of the land in Survey No.59 is covered under 'Court case' and further stated that no document in respect of Plot No.210, being claimed by the petitioner, is presented by the petitioner for registration so far and in case, if any such document is presented, the same would be dealt with in accordance with the provisions of the Act, 1908.

5. It is the specific contention of learned counsel for the petitioner that neither the petitioner herein nor the vendor of the petitioner is party to the said suit in O.S.No.317 of 2004 and that the subject matter of the proposed gift deed is nothing to do with the suit schedule property in the suit in O.S.No.317 of 2004. It is also further contended that the relief that was sought by the petitioners/plaintiffs in I.A.No.2 of 2019 in O.S.No.317 of 2004 is only seeking injunction restraining the respondents therein from changing the nature of the property, but not against alienation of the property, which is the subject matter of I.A.No.2 of 2019 and that the order of *status quo* passed by the Court on 02.01.2019 is only with regard to change of nature of the property, but nothing to do with the alienation of the subject property. In the absence of any specific order passed by the competent civil Court restraining alienation of the subject property, respondent No.3 cannot refuse to

receive the subject document for registration by placing reliance on the *status quo* order passed in I.A.No.2 of 2019.

6. A perusal of the copy of the affidavit filed in support of I.A.No.2 of 2019 and the order, dated 02.01.2019, passed in the said application in O.S.No.317 of 2004, *prima facie* support the case of the petitioner. It is also settled the law that in view of the order passed by the civil Court is binding only on the parties to the said proceedings or the persons claiming through them. According to learned counsel for the petitioner, the petitioner is neither party to the said proceedings nor claiming right over the suit schedule property and also it is the specific case that the suit schedule property is nothing to do with the property, which is now sought to be registered through gift deed.

7. In the circumstances, the writ petition is disposed of directing respondent No.3 to receive, register and release the gift deed that is sought to be presented by the petitioner in respect of land admeasuring 150.00 sq. yards in Plot No.210 in Survey No.59 situated at Nadergul Village, Saroornagar Mandal, Ranga Reddy District, in accordance with the provisions of the Act, 1908 as well as the Indian Stamp Act, 1899 by duly verifying the facts and complete the process within a period of

two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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

//TRUE COPY//

SD/- G. SIREESHA
ASSISTANT REGISTRAR
SECTION OFFICER

To

1. The Principal Secretary to the Stamps and Registration Department, Secretariats Building, Hyderabad, State of Telangana.
2. The District Registrar, Ranga Reddy District, Hyderabad.
3. The Sub- Registrar, Champapet, Ranga Reddy District.
4. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana, at Hyderabad. [OUT]
5. One CC to SRI. K VENUMADHAV, Advocate [OPUC]
6. Two CD Copies

PSK
GJP

CC TODAY

HIGH COURT

DATED:21/12/2022



ORDER

WP.No.44201 of 2022

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

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MA
27/12/22