

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
 (Special Original Jurisdiction)
 FRIDAY, THE THIRTIETH DAY OF DECEMBER
 TWO THOUSAND AND TWENTY TWO
 PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 46693 OF 2022

Between:

Mohammad Hidayathulla, S/o. Atha Ulla, Occ. Business, R/o. Flat No. 3, Sai Enclave, Krupa Complex, Safilguda, Neredmet, Secunderabad.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Stamps and Registrations Department, Secretariat, Hyderabad.
2. The Sub-Registrar, Malkajgiri, Medchal-Malkajgiri District.
3. The Telangana State Wakf Board, Represented 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 declaring the action of the Respondent No. 2 in not entertaining the document that may be presented by Petitioner in respect of part of house bearing No.43-458/4B on Plot No. 30 in Survey No. 403 admeasuring 100 -00 Sq. Yards situated at Hanuman Nagar, Moula Ali, Malkajgiri, under GHCM of Malkajgiri Circle and Mandal, Medchal-Malkajgiri District, as illegal, arbitrary and violative of principles of natural justice and against to the provisions of law and contrary to rights guaranteed under 300-A of Constitution of India and consequently direct the Respondent No. 2 to entertain the sale deed, to receive, process, register and release the document presented by the petitioners 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. 2 to receive, process, register and release the document that may be presented by the Petitioner in respect of house bearing No. 43-458/4B on Plot No. 30 in Survey No. 403 admeasuring 100-00 Sq. Yards situated at Hanuman Nagar, Moula Ali, Malkajgiri, under GHCM of Malkajgiri Circle and Mandal, Medchal-Malkajgiri District,

Counsel for the Petitioner	: SRI SURYA BALU MAHENDRA
Counsel for the Respondent Nos.1 and 2	: GP FOR STAMPS AND REGISTRATION
Counsel for the Respondent No.3	: SRI ABU AKRAM
The Court made the following	:

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.46693 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, process, register and release the subject document that may be presented by the petitioner for registration in respect of part of house bearing No.43-458/4B on plot No.30 in Survey No.403 admeasuring 100-00 square yards, situated at Hanuman Nagar, Moula Ali, Malkajgiri, under GHMC of 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 Department, State of Telangana, Secretariat, Hyderabad.
2. The Sub-Registrar, Malkajigiri, Medchal-Malkajigiri District.
3. The Chief Executive Officer, Telangana State Wakf Board, Huz House, Nampally, Hyderabad.
4. One CC to SRI. SURYA BALU MAHENDRA Advocate [OPUC]
5. One CC to SRI. ABU AKRAM, Advocate [OPUC]
6. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana. [OUT]
7. Two CD Copies

HIGH COURT

MSK, J

DATED: 30/12/2022

ORDER

WP.No.46693 of 2022



WRIT PETITION IS DISPOSED OF WITHOUT COSTS