

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

FRIDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

**THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 2101 OF 2023**

Between:

P. Srinivasa Reddy, S/o P. Bal Reddy, Occ. Software Engineer, R/o H.No.5-243,
S.R. Naik Nagar, IDA, Jeedimetla, Hyderabad - 500055.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Stamps and Registration Department, Secretariat, Hyderabad.
2. The Sub Registrar, Serilingampally, Rajendranagar, Ranga Reddy District.
3. Telangana State Wakf Board, Rep. by its Chief Executive Officer, Haj House, Razzak Manzil, 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, order, direction especially one in the nature of Writ of Mandamus declaring the action of the 2nd respondent No.3 in refusing to receive, register and release the sale deed presented by the petitioner in respect of Flat No.G-1 in Ground Floor, on SAI BABA RESIDENCY, admeasuring 1108 square feet plinth area (inclusive of common area and car parking) together with 30.00 sq. yards out of 542 sq. yards on the plot Nos.1 and 8, Sy.No.165, 166/2 and 197/2, situated at Manikonda Jagir Village, Rajendranagar Mandal, Ranga Reddy District as illegal, arbitrary and contrary to the provisions of the Registration Act, 1908 and consequently direct the 2nd respondent to receive, register and release the sale deed presented by the petitioner in respect of Flat No.G-1 in Ground Floor, on SAI BABA RESIDENCY, admeasuring 1108 square feet plinth area (inclusive of common area and car parking) together with 30.00 sq. yards out of 542 sq. yards on the plot Nos.1 and 8, Sy.No.165, 166/2 and 197/2, situated at Manikonda Jagir Village, Rajendranagar Mandal, Ranga Reddy District;

IA NO: 1 OF 2023

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 2nd respondent to receive, register and release the sale deed presented by the petitioner in respect of Flat No.G-1 in Ground Floor, on SAI BABA RESIDENCY, admeasuring 1108 square feet plinth area (inclusive of common

area and car parking) together with 30.00 sq. yards out of 542 sq. yards on the plot Nos.1 and 8, Sy.No.165, 166/2 and 197/2, situated at Manikonda Jagir Village, Rajendranagar Mandal, Ranga Reddy District, pending disposal of the main Writ Petition and pass

Counsel for the Petitioner: SRI. ALAPATI LATHA

Counsel for the Respondent Nos 1 & 2: GP FOR STAMPS AND REGISTRATION

Counsel for the Respondent No 3: SRI ABU AKRAM

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.2101 of 2023

ORDER:

Heard learned counsel appearing for the petitioner, learned Assistant Government Pleader for Stamps and Registration appearing for respondent Nos.1 and 2 and Sri Abu Akram, learned Standing Counsel for respondent No.3-Waqf Board.

2. This Writ Petition is filed seeking to declare the action of respondent No.2 in not accepting the document presented by the petitioner for registration in respect of Flat No.G-1 in Ground Floor on 'SAI BABA RESIDENCY' admeasuring 1108 sq. feet plinth area (inclusive of common area and car parking) together with 30.00 sq. yards out of 542 sq. yards on the Plot Nos.1 and 8, Survey Nos.165, 166/2 and 197/2 situated at Manikonda Jagir Village, Rajendranagar Mandal, Ranga Reddy District, as arbitrary and illegal.

3. The issue of non-registration of the documents by the respondent/Sub-Registrar, in respect of the lands situated in various survey numbers of Manikonda Jagir Village, is considered by this Court in W.P.No.21952 of 2021 by taking

note of the order passed by the Hon'ble Apex Court in Civil Appeal No.10770 of 2016, dated 07.02.2022, and allowed the said writ petition directing the respondents therein to receive the returned document and to process the same for registration, without reference to the letter addressed by respondent - Waqf Board and the Gazette Notifications referred to therein. The relevant portion from the said order reads as follows:

"3. A perusal of the said refusal order shows that basing upon a letter said to have addressed by the Telangana Wakf Board bearing letter No.93/14(a)RR/2007 dated 10.12.2014, the subject land situated in Survey Nos.185, 186, 195, 196 and 194 of Manikonda Jagair Village were included in the prohibitory properties' list. A perusal of the said letter dated 10.12.2014 shows that the subject survey numbers along with several other survey numbers of Manikonda Jagir Village were declared as Wakf properties and notified as such in A.P. Gazette No.6-A dated 09.02.1989 and Gazette No.14 dated 06.04.2006. It is further evident from the said letter that the validity of the said Gazette notifications is the subject matter before the Hon'ble Apex Court in the pending S.L.P.No.13954 of 2012 and the Hon'ble Apex Court passed an interim order dated 26.07.2013, which reads as under:-

"Henceforth any transaction entered into by the petitioner shall be subject to the final adjudication in the present Special Leave Petition. It is also clarified that for any transaction that the petitioner may henceforth enter, the pendency of the above matter and the interim order that was passed by this Court on 08.05.2012 shall be intimated to the concerned party."

4. In the light of the said interim order passed by the Hon'ble Apex Court, the Telangana Wakf Board requested the registering authorities to comply with the said order and to communicate the copies of sale deed that are executed in

respect of the subject survey numbers to the Wakf Board. In terms of the interim order passed by the Hon'ble Apex Court, any alienations that took place during the pendency of the S.L.P. were directed to be subject to the result of the said S.L.P.

5. Now, it is brought to the notice of this Court by Mr.M.Damodar Reddy, learned counsel for the petitioner, that the Hon'ble Apex Court granted leave in the said S.L.P. and consequently, the same was numbered as Civil Appeal No.10770 of 2016. The said S.L.P. came to be disposed of by the Hon'ble Apex Court by an order dated 07.02.2022 setting aside the above referred Gazette notifications wherein the subject survey numbers were declared as Wakf properties.

6. In view of the disposal of the above referred S.L.P. i.e. Civil Appeal No.10770 of 2016 by an order dated 07.02.2022, the respondent-Wakf Board cannot be said to have any further claim in respect of the subject properties. In the circumstances, there cannot be any impediment for the registering authorities to register in respect of the subject properties on the ground that the subject properties are Wakf properties."

4. In the light of the above, this Writ Petition is also allowed directing the respondents - registering authorities to receive, register and release the document sought to be presented by the petitioner in respect the subject property, without reference to the letter, dated 10.12.2014 addressed by the respondent - Waqf Board and the Gazette Notifications *vide* A.P. Gazette No.6-A, dated 09.02.1989 and the Gazette No.14, dated 06.04.2006, and complete the same, within a period of three

(3) weeks from the date of presentation of the document by the petitioner. There shall be no order as to costs.

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

SD/-C.PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Stamps and Registration Department, Secretariat, State of Telangana, Hyderabad.
2. The Sub Registrar, Serilingampally, Rajendranagar, Ranga Reddy District.
3. The Chief Executive Officer, Telangana State Wakf Board, Haj House, Razzak Manzil, Nampally, Hyderabad.
4. One CC to SRI. ALAPATI LATHA, 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, Hyderabad. [OUT]
7. Two CD Copies

HIGH COURT

MSK, J

DATED: 27/01/2023

ORDER

WP.No.2101 of 2023

**WP IS DISPOSED
OF WITHOUT COSTS**

