

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

THURSDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 7462 OF 2023

Between:

Anil Kumar Narsingoj, S/o. N. Laxmana Chary, Aged. 35 Years, Occ.
Employee, C/o. Plot No. 163, Woods Venture, Kompally, Medchal-Malkajigiri
District.

...PETITIONER

AND

1. State of Telangana, Rep. by Special Chief Secretary, Revenue (Registration and Stamps) Department, Secretariat Buildings, Hyderabad.
2. The Commissioner and Inspector General, Registration and Stamps, Nizam Shahi Road, Mozamjahi Market, Osman Gunj, Hyderabad.
3. The District Registrar, Medak, at Sanga Reddy.
4. The Joint Sub Registrar-I, RO (OB), Sangareddy, Sangareddy District.
5. The District Collector, Sangareddy 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. 1. Issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring. i. The Letter of the Respondent No. 5 vide Lr.No. F1/2051/06 dated 28-01-2017, as illegal, arbitrary, high handed, without authority of law, discriminatory, and void, being in derogation of Articles 14, 19, 21 and 300-A of the Constitution of India, so also, the provision of Registration Act, 1908 and the rules framed thereunder, ii. The Memo issued by the Respondent No. 4, vide Memo No. 37/2023 dated 24- 01-2023, whereby the Respondent No. 4 has refused to register the Sale Deed dated 13-04-2022 bearing pending registration No. P294/2022, in respect of the land bearing Plot No. 92-G, admeasuring 500 Square Yards, in Survey No. 335, situated pt Tellapur, Ramachandrapuram Mandal, Sangareddy District, on pretext of letter of the Respondent No. 5 vide

Lr.No. F1/2051/06 dated 28-01-2017, as illegal, arbitrary, high handed, without authority of law, discriminatory, and void, being in derogation of Articles 14, 19, 21 and 300-A of the Constitution of India, so also, the provision of Registration Act, 1908 and the rules framed thereunder, 2. Consequently, direct the Respondent No. 4 to register and release the Sale Deed dated 13-04-2022 bearing pending registration No. P294/2022, in respect of the land bearing Plot No. 92-G, admeasuring 500 Square Yards, in Survey No. 335, situated at Tellapur, Ramachandrapuram Mandal, Sangareddy 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 Respondents No. 4 to register and release the Sale Deed dated 13-04-2022 bearing pending registration No. P294/2022, in respect of the land bearing Plot No. 92-G, admeasuring 500 Square Yards, in Survey No. 335, situated at Tellapur, Ramachandrapuram Mandal, Sangareddy District.

Counsel for the Petitioner: SRI M.SATISH KUMAR

Counsel for the Respondents: AGP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.7462 of 2023

ORDER:

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

2. This Writ Petition is filed questioning the refusal order passed by respondent No.4 vide Memo No.37/2023, dated 24.01.2023, refusing to register the pending document bearing No.P.294/2022, in respect of the land bearing Plot No.92-G, admeasuring 500 square yards in Survey No.335, situated at Tellapur, Ramachandrapuram Mandal, Sangareddy District, on the pretext of letter of respondent No.5 vide Lr.No.F1/2051/06, dated 28.01.2017.

3. The reasons assigned in the refusal order by respondent No.4 read as under:

"The District Collector, Sangareddy has directed not to entertain any sale transactions on the lands transacted by the Industrial Employees Cooperative House Building Society vide Lr.No.F1/2051/06, dated 28.11.2006 and 28.01.2017 read with G.O.Ms.1077, dated 07.08.2007 and G1/866/2006, dated 03.02.2007.

In view of the above, the pending document bearing No.294/2022 has been refused for registration."

4. Learned counsel for the petitioner submitted that the issue involved in this writ petition is squarely covered by the common order passed by this Court in W.P.No.9604 of 2020 and Batch, dated 28.02.2023 and the same is not disputed by learned Assistant Government Pleader for Stamps and Registration. The relevant portion from the said common order reads as follows:

“In the light of the above, the impugned orders passed by the respondents in the batch of writ petitions by referring to the letters of the District Collector, Sangareddy District i.e., L.R.No.F1/2051/06, dated 28.11.2006 and 28.01.2017 and G.O.Ms.No.1077, dated 07.08.2007 are unsustainable and accordingly, they are hereby set aside.”

5. Following the said common order and for the reasons stated therein, this Writ Petition is also allowed by setting aside the Memo No.37/2023, dated 24.01.2023 issued by respondent No.4 and consequently respondent No.4 is directed to receive, register and release the subject document presented by the petitioner for registration, without reference to the reasons mentioned in the impugned Memo, dated 24.01.2023 issued by respondent No.4 and complete the process, in accordance with law, within a period of three (3) weeks from the date of presentation of the document by the petitioner and release the same in favour of the petitioner,

subject to the said document complying with the requirements of the Registration Act, 1908 and the Indian Stamp Act, 1899.

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

//TRUE COPY//

SD/-A.V.S.PRASAD
ASSISTANT REGISTRAR
SECTION OFFICER

To

1. The Special Chief Secretary, Revenue (Registration and Stamps) Department, Secretariat Buildings, Hyderabad, State of Telangana.
2. The Commissioner and Inspector General, Registration and Stamps, Nizam Shahi Road, Mozamjahi Market, Osman Gunj, Hyderabad.
3. The District Registrar, Medak, at Sanga Reddy.
4. The Joint Sub Registrar-I, RO (OB), Sangareddy, Sangareddy District.
5. The District Collector, Sangareddy District.
6. One CC to SRI M.SATISH KUMAR, Advocate [OPUC]
7. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana, at Hyderabad. [OUT]
8. Two CD Copies

PSK.

8

HIGH COURT

DATED:16/03/2023

ORDER

WP.No.7462 of 2023



ALLOWING THE WRIT PETITION
WITHOUT COSTS.

(1) Copies

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31/3/23