

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE TWENTY SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 8338 OF 2023

Between:

Smt. R. Rukum Bai@ R. Rukkum Bai, W/o R.Ramulu.

Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
2. The District Registrar, Medchal Malkajgiri District.
3. The Sub-Registrar, Qutubullapur, Medchal Malkajgiri District.
4. The District Collector, Medchal - Malkajgiri District.
5. The Tahsildar, Qutubullapur Mandal, Qutubullapur, Medchal Malkajgiri District.

Respondents

WHEREAS the Petitioner above named through her Advocate SRI. B SAMPATH KUMAR presented this 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 any Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.3, Sub-Registrar, Qutubullapur, Medchal-Malkajgiri District in refusing to receive and register the Deposit of Title Deeds presented by the Petitioner in respect of all that the house bearing No.31-091, (PTIN No.1150302298) on Plot No. 212 and 213 total admeasuring 180 sq. yards in Sy.No. 49/17 Part, situated at Bhagath Singh Nagar, Gajularamaram Village, Quthbullapur Mandal, Medchal-Malkajgiri District basing on the prohibitory list under Sec. 22-A of the Registration as per the Ranga Reddy District Gazette Notification communicated by the Joint Collector, Ranga Reddy District vide File No. E5/4730/2013 dt. 25-09-2013, Qutubullapur, Nizampet and (ii) Deputy Collector and Tahsildar, Qutubullapur Mandal in File No.8/583/2012 dt. 17/02/2012 and (iii) Gazette Notification No. 134, dt. 10-03-2005 and G.O.Ms.No. 292, Revenue (Registration-I) dt. 09-03-2005 communicated by the Commissioner and Inspector of General (R and S), Hyderabad vide File No. G1/4661/2005 dt. 02-07-2005 is illegal, arbitrary and violative of provisions of the Registration Act and violative of Principles of natural justice and consequently direct the respondent No.3 to receive, process, register and release the Deposit of Title Deed in respect of all that the house bearing No. 31-091, (PTIN No.1150302298) on Plot No. 212 and 213 total admeasuring 180 sq. yards in Sy.No. 49/17 Part, situated at Bhagath Singh Nagar, Gajularamaram Village, Quthbullapur Mandal, Medchal - Malkajgiri District;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri B SAMPATH KUMAR Advocate for the Petitioner and Asst GP for Stamps and Registration takes notice on behalf of respondents, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Revenue Department, Secretariat Buildings, State of Telangana, Hyderabad,
2. The District Registrar, Medchal Malkajgiri District.
3. The Sub-Registrar, Qutubullapur, Medchal Malkajgiri District.
4. The District Collector, Medchal - Malkajgiri District.
5. The Tahsildar, Qutubullapur Mandal, Qutubullapur, Medchal Malkajgiri District.

are directed to show cause on or before 12.06.2023 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

LA 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 respondent No.3 to receive, process, register and release the Deposit of Title Deed in respect of all that the house bearing No.31-091, (PTIN No.1150302298) on Plot No. 212 and 213 total admeasuring 180 sq. yards in Sy.No. 49/17 Part, situated at Bhagath Singh Nagar, Gajularamaram Village, Quthbullapur Mandal, Medchal Malkajgiri District, pending disposal of WP No. 8338 of 2023, on the file of the High Court.

The Court made the following:

ORDER:

Notice before admission.

Learned Assistant Government Pleader for Stamps and Registration takes notice on behalf of the respondents.

Learned counsel for the petitioner submits that this Court, while dealing with similar issue in W.P.No.10411 of 2022, by order dated 10.03.2022, granted interim orders with a direction to the respondents to receive and process the documents.

In view of the above and for the reasons alike in the order, dated 10.03.2022, subject to further consideration of the issue after the judgment of the Hon'ble Supreme Court in Civil Appeal No.4223 of 2018 and batch, the provisions of Section 22-A of the Registration Act, 1908, and the orders passed by this Court in various writ petitions, by way of interim order, the respondent-Registering Authority is directed to receive and process the subject document, without reference to the letter, dated 17.02.2012, and the Gazette Notification, dated 25.09.2013, subject to compliance of provisions of the

Registration Act, 1908 and the Indian Stamp Act, 1899 and to ascertain the status of land, as reflected in the revenue records. If the document complies with all the requirements and there is no embargo in accepting the same for registration, the Registering Authority shall register and release the document. However, any such action shall abide the result of the writ petition. Further, the petitioner is directed not to resort to further conveyance of the subject property without leave of this Court.

Registry shall make an endorsement on the writ petition to the effect that the same shall not be permitted to be withdrawn.

Post on 12.06.2023.

SD/- P. CH. NAGABHUSAMBA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat, Buildings, State of Telangana. Hyderabad,
2. The District Registrar, Medchal Malkajgiri District.
3. The Sub-Registrar, Qutubullapur, Medchal Malkajgiri District.
4. The District Collector, Medchal - Malkajgiri District.
5. The Tahsildar, Qutubullapur Mandal, Qutubullapur, Medchal Malkajgiri District.
(1 to 5 by RPAD- along with a copy of petition and Affidavit)
6. One CC to SRI. B SAMPATH KUMAR Advocate [OPUC]
7. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court of Telangana at Hyderabad. [OUT]
8. One spare copy

HIGH COURT

MSK, J

DATED:27/03/2023

NOTE: POST ON 12.06.2023.

NOTICE BEFORE ADMISSION

ORDER

WP.No.8338 of 2023

INTERIM DIRECTION

