

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
 MONDAY, THE TWENTY FIRST DAY OF AUGUST TWO THOUSAND AND
 TWENTY THREE

:PRESENT:

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA
 WRIT PETITION NO: 22908 OF 2023

Between:

D.Kamalamma, W/o Sri Vishnu Goud,

Petitioner

AND

1. State of Telangana, Represented by Secretary Revenue Department, Secretariat, Hyderabad.
2. District Registrar, Hyderabad District, Hyderabad
3. Sub Registrar, Bowenpally, Secunderabad

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 or direction more particularly in the nature of writ of mandamus declaring the action of the 3rd respondent in not registering the petitioner's document in respect of house property in Plot No. 182/A admeasuring 283.33 Sq Yds or 236.86 sq Mts with built-up area of 1900 Sq Ft in survey No.74/7 situated in Dhanalakshmi Housing Co-operative Society Ltd. Mahendra Hills, Secunderabad cantonment by declaring G.O.M.S.No.609, dated .30/08/2004 as illegal, arbitrary, unconstitutional and against the provisions of law and consequently direct the 3rd respondent to register the settlement deed presented by petitioner pertaining to house property in Plot No. 182/A admeasuring 283.33 Sq Yds or 236.86 So Mts with built-up area of 1900 Sq Ft in survey No.74/7 situated in Dhanalakshmi Housing Co-operative Society Ltd. Mahendra Hills, Secunderabad cantonment and release the same.

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 3rd Respondent to receive and register the settlement deed presented in respect of the house property in Plot No. 182/A admeasuring 283.33 Sq Yds or 236.86 Sq Mts with built-up area of 1900 Sq Ft in survey No.74/7 situated in Dhanalakshmi Housing Co-operative Society Ltd. Mahendra Hills, Secunderabad cantonment and release the same, pending disposal of the WP 22908 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI SHANKAR POLASA Advocate for the Petitioner and Sri B.Deileep Kumar AGP for STAMPS AND REGISTRATION for the Respondents, the Court made the following.

ORDER:

Notice before admission.

Learned Assistant Government Pleader for Stamps and Registration waives notice for Respondent Nos.1 to 3.

Heard Sri Shankar Polasa, learned counsel for the Writ Petitioner, as well as Sri B.Dileep Kumar, learned Assistant Government Pleader for Stamps and Registration, who is representing respondent Nos.1 to 3.

The present Writ Petition is filed seeking to issue an order in the nature of Writ of *Mandamus* declaring the action of respondent No.3-Sub-Registrar, Bowenpally, Secunderabad, in not registering the Settlement Deed presented by the petitioner in respect of house in Plot No.182/A, located in Sy.No.74/7 of Dhanalakshmi Housing Co-Operative Society Limited, Mahendra Hills, Secunderabad, as illegal, arbitrary and unconstitutional and consequently, to direct the said Registering Authority to register the Settlement Deed presented by the petitioner pertaining to the said property.

Making his submission, learned counsel for the petitioner contends that the Government filed LGC.No.167 of 1997 against different housing societies claiming that the subject lands are Government lands. Learned counsel further states that the said Land Grabbing Case was dismissed and aggrieved by the order of dismissal, the Government filed a Writ Petition vide W.P.No.19106 of 2010 and the same is pending before this Court. Learned counsel also states that since 2010, the persons, who intended to purchase or sell the property, are filing Writ Petitions and obtaining orders to proceed with the transactions and the Court is permitting to proceed with the transactions subject to the result in W.P.No.19106 of 2010 and hence, the present Writ Petition may also be disposed of on the same lines.

Learned Assistant Government Pleader for Stamps and Registration did not raise any serious objection for grant of interim orders basing on the submissions made by the learned counsel for the petitioner.

Having gone through the contents of the material that is produced, including the orders that were rendered earlier, the following direction is issued:-

"Respondent No.3-The Sub-Registrar, Bowenpally, Secunderabad, is directed to receive the Settlement Deed that would be presented by the petitioner in respect of house in Plot No.182/A, located in Sy.No.74/7 of Dhanalakshmi Housing Co-Operative Society Limited, Mahendra Hills, release the said document, in case, the said document is found to be in order and in compliance of the provisions of the Registration Act, 1908 and Indian Stamp Act, 1899.

However, such registration shall be subject to the outcome of the cases filed by the State Government against the order of the Special

Court under A.P. Land Grabbing (Prohibition) Act, 1982 vide LGC.No.167 of 1997. The parties to the document are restrained from proceeding with further transactions in respect of the subject matter, except on obtaining the required permission from this Court."

The Writ Petition is directed to be kept pending.

Registry to make an endorsement to the effect that the Writ Petition will not be permitted to be withdrawn.

List on 25.9.2023.

SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary Revenue Department, State of Telangana Secretariat, Hyderabad.
2. The District Registrar, Hyderabad District, Hyderabad
3. The Sub Registrar, Bowenpally, Secunderabad (1 to 3 by RPAD)
4. One CC to SRI. SHANKAR POLASA Advocate [OPUC]
5. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court at Hyderabad. [OUT]
6. The Section Officer, Writ Filing (Non-Service) Section, High Court at Hyderabad
7. One spare copy

HIGH COURT

DR.CSLJ

DATED:21/08/2023

POST ON 25-09-2023

ORDER

WP.No.22908 of 2023

DIRECTION

