

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

THURSDAY ,THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 28361 OF 2017

Between:

K.V.Raghunath, S/o Late K. Venkatswamy Age 67 Years, Occ Retried
Employee, R/o. H.No. 10-3-31/2, East Maredpally, Secunderabad

...PETITIONER

AND

1. State of Telangana represented by Secretary, Revenue Department, Secretariat, Hyderabad.
2. District Registrar, Hyderabad District, Hyderabad
3. Sub Registrar, Maredpally, 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 petitioners sale deed in respect of flat bearing No. 301, 3rd floor, bearing Municipal No. 10-3-32/9/107 and 10-3-32/9/108, on plot bearing No. 107 and 108 with undivided share of land admeasuring 32 s yards equivalent to 26.75 square meters out of 533.32 square yards along with buildup area of 900 sft (including common areas) along with one car parking area of 130 square feet, known as "PRITHVI JD CLASSIC" situated at 74/8, East Marredpally, Secunderabad., by declaring G.O.M.S.No.609, dated 18-08-2004 as illegal, arbitrary, unconstitutional and against the provisions of law and consequently direct the 3rd respondent to register the Sale Deed presented by petitioners pertaining to flat bearing No. 301, 3rd floor, bearing Municipal No. 10-3-32/9/107 and 10-3-32/9/108, on plot bearing No. 107 and 108 with undivided share of land

admeasuring 32 s yards equivalent to 26.75 square meters out of 533.32 square yards along with buildup area of 900 sft (including common areas) along with one car parking area of 130 square feet, known as "PRITHVI JD CLASSIC" situated at 74/8, East Marredpally, Secunderabad and release the same.

(Prayer amended as per C.O. dt. 22/08/2024 in
IA.No.2/2017(WPMP.No.36086/2017))

I.A. NO: 1 OF 2017(WPMP. NO: 35247 OF 2017)

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 Sale Deed, pertaining to property in respect of flat bearing No. 301, 3rd floor, bearing Municipal No.10-3-32/9/107 and 10-3-32/9/108, on plot bearing No. 107 and 108 with undivided share of land admeasuring 32 s yards equivalent to 26.75 square meters out of 533.32 square yards along with buildup area of 900 sft (including common areas) along with one car parking area of 130 square feet, known as "PRITHVI JD CLASSIC" situated at 74/8, East Marredpally, Secunderabad and release the same pending disposal of the writ petition.

(Prayer amended as per C.O. dt. 22/08/2024 in
IA.No.2/2017(WPMP.No.36086/2017))

Counsel for the Petitioner: SRI D.DEVENDER RAO

**Counsel for the Respondents: SRI H.RAKESH KUMAR,
AGP FOR STAMPS & REGISTRATION**

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR

W.P. No.28361 of 2017

ORDER:

Questioning the action of the respondents, Registering Authority, in refusing to register the Flat bearing No.301, 3rd floor bearing Municipal No.10-3-32/9/107 and 10-3-32/9/108, on plot bearing No.107 and 108 with undivided share of land admeasuring 32 square yards equivalent to 26.75 square meters out of 533.32 square yards along with buildup area of 900 square feet (including common areas) along with one car parking area of 130 square feet known as "PRITHVI JD CLASSIC" situated at East Marredpally, Secunderabad (hereinafter referred to as "the subject property") on the ground that the subject property is claimed by the Government in LGC No.167/1997, the petitioner filed the present writ petition.

2. It is the case of the petitioner that he entered into an agreement to purchase the subject property on 11.08.2017 and thereafter approached the respondent No.3, Sub-Registrar, Marredpally, for registration, who refused to register the same on the ground that it is a Government land. Hence, the petitioner filed the present writ petition.

3. The learned counsel for the petitioner would submit that the Government had filed LGC No.167 of 1996 claiming the subject survey number as it is a Government land and the same was dismissed on 18.03.2010 by the Special Court. Thereafter, the Government filed a

writ petition in W.P. No.19106 of 2010 that was heard and reserved for orders by the Division Bench of this Court.

4. The learned counsel would further submit that he has no instructions whether the subject property has been registered or not. However, he submitted that in similar circumstances this Court is disposing of the writ petitions with a direction to the Registering authority to register the documents granting liberty to either of the parties to pursue their remedies as available under law subject to outcome of the W.P. No.19106 of 2010, which is pending for orders before the Division Bench of this Court and sought to pass similar order.

5. On the other hand, the learned Assistant Government Pleader for Stamps and Registration Sri H.Rakesh Kumar while acceding to the submissions made by the learned counsel for the petitioner would further submit that many number of writ petitions have been filed on similar issue wherein no separate counter affidavits have been filed however, in similar writ petition in W.P. No.11653 of 2013, which was disposed of on 23.07.2024 by this Court, a counter affidavit has been filed and the averments mentioned therein may be read/adopted as a counter averments in all the similar matters and the present writ petition is one among similar pending writ petitions and requested to dispose of the present writ petition with a liberty to either of the parties to pursue their remedies as available under law subject to

outcome of the W.P. No.19106 of 2010, which is pending for orders before the Division Bench of this Court.

6. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Stamps and Registration and perused the material made available on the record.

7. The counter affidavit stated to have been filed in W.P. No.11653 of 2013 by the respondent No.2, District Collector therein, is taken on record as the counter affidavit has been filed as an adopted one in the present writ petition. In the said counter affidavit at para No.8 stated as under:

"8. It is submitted that a comprehensive land case was filed by the then Mandal Revenue Officer, Marredpally against the (7) Societies and as well as some of individual plot owners of Sy.No.74 of Marredpally (Paigah) village in LGC. No.167/97 in the Spl.Court under L.G.(P) Act, 1982. The Hon'ble Spl.Court, under A.P.L.G.(P) Act dismissed the LGC No.167/97 on 18.03.2010. Aggrieved by the same, the then MRO, Marredpally Mandal filed WP. No.19106/2010 before the Hon'ble High Court and the same is pending. The Hon'ble Spl.Court dismissed the LGC on erroneous grounds without properly appreciating the evidence of Govt. and as such writ petition has been filed challenging the same. Thus the LGC judgment has not become final. Further submitted that the litigation between the parties and the Govt. has not reached to its logical end. Under such circumstances it can't be said that Govt. have lost its claim. As such the interest

of Govt. still subsists. In view of the above the interest of Govt. that subsists in the subject land will be jeopardized if this W.P. is allowed. Hence it is liable for dismissal."

8. Having regard to the facts and circumstances of the case, recording the submissions made by the learned counsel on either side and that this Court earlier in similar writ petitions has granted interim direction directing the registering authorities to register the subject documents subject to the petitioners complying with the provisions of the Registration Act, 1899 and the Indian Stamps Act, 1908 and subsequently, the documents were registered and the same is not disputed by the learned Assistant Government Pleader for Stamps and Registration. Accordingly, this writ petition is also disposed of directing the Registering authority to register the subject document, if not already registered. However, the registration of the subject documents would be subject to outcome of the W.P. No.19106 of 2010, which is pending for orders before the Division Bench of this Court.

9. It is also made clear that mere registration of the document and subsequent registration does not confer any title on the subject property and this order would not have any bearing on all those matters where title/rights of the parties are pending before the authorities either in revision/appeals for adjudication and in any other case this order also would not preclude the parties in asserting their rights before the competent Court of law.

10. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

SD/-P. PONNA KRISHNA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Secretary, Revenue Department, Secretariat, Hyderabad, State of Telangana.
2. The District Registrar, Hyderabad District, Hyderabad
3. The Sub Registrar, Maredpally, Secunderabad.
4. One CC to SRI D.DEVENDER RAO, Advocate [OPUC]
5. Two CCs to GP FOR STAMPS & REGISTRATION, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CD Copies

BSR

GJP

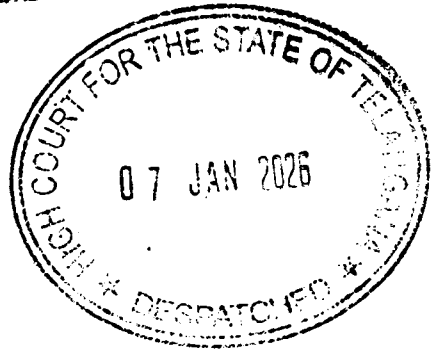
PMG.

HIGH COURT

DATED:22/08/2024

ORDER

WP.No.28361 of 2017



DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS

⑨ PMG.
22/12/25