

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

**MONDAY, THE NINETEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 15313 OF 2023

Between:

Smt Geetha Dubey, W/o Gyaneswar Dubey.

Petitioner

AND

1. The State of Telangana, Rep. by. its Principal Secretary, Revenue (Stamps and Registration), Secretariat, Hyderabad.
2. The District Registrar, Medchal-Malkajgiri District.
3. The Sub Registrar, Quthbullapur, Medchal-Malkajgiri District.
4. The Collector, Medchal-Malkajgiri District.
5. The Tahasildar, Quthbullapur Mandal, Medchal-Malkajgiri District.

Respondents

WHEREAS the Petitioner above named through her Advocate Sri. RAJAGOPALLAVAN TAYI 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 inaction of the Respondent No.3 in receiving, registering and releasing of the Sale Deed presented by the Petitioner in respect of House No. 19-055 (PTIN No. 1151200310), with a plinth area of 689.0 SFT in Ground Floor, and 357.0 sft in First Floor, thus total Plinth area 1046.0 sft., (RCC), admeasuring 76.56 sq yards, in Survey. No. 150, (covered under Ward No. 4 and Block No. 19), situated at Giri Nagar of Quthbullapur Village, under Quthbullapur GHMC Circle, Quthbullapur Mandal, Medchal-Malkajgiri District, Telangana State, on the ground that the survey numbers where the Petitioner's property is situated is notified under as prohibited property list under Section 22-A of Registration Act, vide Gazette Notification RR No.83 communicated by Joint Collector, Ranga Reddy vide File No.E5/4730/ Quthbullapur/ Quthbullapur dated 25.09.2013 and Deputy Collector and Tahasildar, Quthbullapur Mandal file No.B/583/2012 dated 17.02.2012 as illegal, arbitrary and unconstitutional and consequently direct the Respondent No.3 to receiving, registering and releasing of the Sale Deed presented by the Petitioner in respect of House No. 19-055 (PTIN No. 1151200310), with a plinth area of 689.0 SFT in Ground Floor, and 357.0 sft in First Floor, thus total Plinth area 1046.0 sft., (RCC), admeasuring 76.56 sq yards, in Survey. No. 150, (covered under Ward No. 4 and Block No. 19), situated at Giri Nagar of Quthbullapur Village, under Quthbullapur GHMC Circle, Quthbullapur Mandal, Medchal-Malkajgiri District, Telangana State, without reference to the Gazette Notification

RR No.83 communicated by Joint Collector, Ranga Reddy vide File No.E5/4730/Quthbullapur/ Quthbullapur dated 25.09.2013 and Deputy Collector and Tahasildar, Quthbullapur Mandal file No.B/583/2012 dated 17.02.2012:

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri RAJAGOPALLAVAN TAYI Advocate for the Petitioner and Learned Assistant Government Pleader 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 (Stamps and Registration), State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Medchal-Malkajgiri District.
3. The Sub Registrar, Quthbullapur, Medchal-Malkajgiri District.
4. The Collector, Medchal-Malkajgiri District.
5. The Tahasildar, Quthbullapur Mandal, Medchal-Malkajgiri District.

are directed to show cause on or before 18.07.2023 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.

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 Respondent No.3 to receive, register and release the Sale Deed in respect of House No. 19-055 (PTIN No. 1151200310), with a plinth area of 689.0 SFT in Ground Floor, and 357.0 sft in First Floor, thus total Plinth area 1046.0 sft., (RCC), admeasuring 76.56 sq yards, in Survey. No. 150, (covered under Ward No. 4 & Block No. 19), situated at Giri Nagar of Quthbullapur Village, under Quthbullapur GHMC Circle, Quthbullapur Mandal, Medchal-Malkajgiri District, Telangana State, without reference to the Gazette Notification RR No.83 communicated by Joint Collector, Ranga Reddy vide File No.E5/4730/Quthbullapur/Quthbullapur dated 25.09.2013 and Deputy Collector and Tahasildar, Quthbullapur Mandal file No.B/583/2012 dated 17.02.2012, pending disposal of WP No. 15313 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.

It is brought to the notice of this Court that this Court, while dealing with similar issue in W.P.No.9645 of 2022, by an order, dated 28.04.2021, granted interim order 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 28.04.2021, 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 18.07.2023.

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

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration), State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Medchal-Malkajgiri District.
3. The Sub Registrar, Quthbullapur, Medchal-Malkajgiri District.
4. The Collector, Medchal-Malkajgiri District.
5. The Tahasildar, Quthbullapur Mandal, Medchal-Malkajgiri District.
(1 to 5 by RPAD- along with a copy of petition and Affidavit)
6. One CC to SRI. RAJAGOPALLAVAN TAYI 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:19/06/2023

NOTE: POST ON 18.07.2023

NOTICE BEFORE ADMISSION

ORDER

WP.No.15313 of 2023

DIRECTION

