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

MONDAY, THE FOURTH DAY OF APRIL TWO THOUSAND AND TWENTY TWO

:PRESENT:
THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 15652 OF 2022

Between:

Unnamatla Sundhara Mani, W/o. Unnamatla Venkata Rathnam.

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 and registering of the Gift Deed in respect of House No. 25-126/2 (PTIN No.1151600161) with plinth area of 700.0 Sft. of RCC in Ground Floor plus 700 Sft of RCC in First Floor plus 700.0 Sft of RCC in Second Floor thus the total Plinth area is 2100.00 Sft. of (G plus 2) RCC, land admeasuring 80.0 Sq.Yards or 66.88 Sq.Mtrs in Survey No. 348/1, Ward No.4, Block No.25, situated at Venkatram Reddy Nagar of Quthbullapur Village, Quthbullapur Mandal, under GHMC Circle, Medchal-Malkajgiri District, on the ground that the survey numbers where the petitioners 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, Ragna Reddy vide File No.E5/4730/Quthbullapur/Quthbullapur dt.25.09.2013 and Deputy Collector and Tahasildar, Quthbullapur Mandal file No.B/583/2012 dt.17.02.2012 as illegal, arbitrary and unconstitutional and consequently direct the respondent No.3 to receive and register the Gift Deed presented by the petitioner in respect of House No. 25-126/2 (PTIN No.1151600161) with plinth area of 700.0 Sft. of RCC in Ground Floor + 700 Sft of RCC in First Floor + 700.0 Sft of RCC in Second Floor thus the total Plinth area is 2100.00 Sft. of (G plus 2) RCC, land admeasuring 80.0 Sq.Yards or 66.88 Sq.Mtrs in Survey No. 348/1, Ward No.4, Block No.25, situated at Venkatram Reddy Nagar of Qutubullapur Village, Quthbullapur Mandal, under GHMC Circle, Medchal-Malkajgiri District;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri RAJAGOPALLAVAN TAYI, Advocate for the Petitioner and GP for Revenue who took notice on behalf of the 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 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 2022

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 and Gift Deed presented by the petitioner in respect of House No. 25-126/2 (PTIN No.1151600161) with plinth area of 700.0 Sft. of RCC in Ground Floor + 700 Sft of RCC in First Floor + 700.0 Sft of RCC in Second Floor thus the total Plinth area is 2100.00 Sft. of (G+2) RCC, land admeasuring 80.0 Sq.Yards or 66.88 Sq.Mtrs in Survey No. 348/1, Ward No.4, Block No.25, situated at Venkatram Reddy Nagar of Qutubullapur Village, Qutubullapur Mandal, under GHMC Circle, Medchal-Malkajgiri District, pending disposal of WP No. 15652 of 2022, on the file of the High Court.

The Court made the following:
ORDER:

Notice before admission.

Learned Assistant Government Pleader for Revenue takes notice on behalf of the respondents.

The learned counsel for petitioner submits that in similar circumstances, this Court granted interim order dated 14.02.2022 in I.A. No.1 of 2022 in W.P. No.7658 of 2022.

The same is not disputed by the learned Assistant Government Pleader for Revenue.

In view of the above and for the reasons alike in the order dated 14.02.2022, 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 and the orders issued 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 Indian Registration Act, 1908 and Indian Stamp Act, 1899 and to ascertain the status of land, as reflected in the revenue records. If the deed of conveyance complies with all the requirements and there is no embargo in accepting the document for registration, the Registering Authority shall register and release the document. However, any such action shall abide the result of the writ petition. Further, petitioner is directed not to resort to further conveyance of the subject property without leave of this Court.

List the matter after three weeks.

SD/- B.SATHYAVATHI
ASSISTANT REGISTRAR

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//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 at Hyderabad. [OUT]
8. One spare copy

mvj

HIGH COURT

NVSK,J

DATED:04/04/2022

List the matter after three weeks

NOTICE BEFORE ADMISSION

WP.No.15652 of 2022

DIRECTION