

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

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 11399 OF 2022

Between:

1. Sri V. Hari Karan Reddy, S/o V. Hanmanth Reddy, Aged about 47 years, Occ. Business, R/o Flat No.203, H.No.3-6-719, Seetha Rama Apartments, Street No.11, Himayathnagar, Hyderabad.
2. Smt. Vemula Rishita, W/o V. Hari Karan Reddy, Aged about 35 years, Occ. House wife, R/o Flat No.203, H.No. 3-6-719, Seetha Rama Apartments, Street No.11, Himayathnagar, Hyderabad.
3. Sri M. Sainath Reddy, S/o M. Jagannath Reddy, Aged about 37 years, Occ. Business, R/o Flat No.21, Plot No. 8-5-211, Bheema Krishna Nilayam, Sai Krishna Colony, Old Bowenpally, Hyderabad.
4. Smt. M. Ashwini, W/o M.Sainath, Aged about 36 years, Occ. Housewife, R/o Flat No.21, Plot No. 8-5-211, Bheema Krishna Nilayam, Sai Krishna Colony, Old Bowenpally, Hyderabad.
5. Smt G. Renuka, W/o G. Srinivasulu, Aged about 48 years, Occ. House wife, R/o H.No.15-21-1/MIG 130, Balaji Nagar, Kukatpally, Hyderabad.
6. Smt. N. Vijayalakshmi, W/o N.Kameshwar Rao, Aged about 50 years, Occ.House wife, R/o.H.No. 1-7-10/9, Street No. 8, Vignanpuri Colony, Habsiguda, Hyderabad.
Represented by their DAGPA Holders.
Sri Srinivasulu Reddy Vasepalli S/o V. Chenchu Reddy, Aged about 48 years, Occ. Business, R/o H.No. 2-22-205 Part, Plot No. 98, Road No.3, Aruna Society, Jayanagar, Kukatpally, Hyderabad.

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary Revenue (Stamps and Registration), Secretariat, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana, Hyderabad.
3. The Sub-Registrar, Quthbullapur, Medchal-Malkajgiri District.
4. The Nizampet Municipality, Rep by its Commissioner, Nizampet, Medchal Malkajgiri District.

...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 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 the Agreement of Sale presented by the Petitioners in respect of the Semi- Finished Flat No.402, in Fourth Floor, with built up area of 925 Sq.Feet (Including Common Area) and Two Wheeler Parking, along with an undivided share of land admeasuring 22 Sq.Yards, (Out of 600 Sq.Yards), constructed on Plot Nos.61, 62 and 67, total admeasuring 600 Sq.Yards, in Sector4, in Sy.Nos.160 (Part),182 (Part) and159(Part), forming part of the Layout Plan, (Vasavi Enclave 3rd Venture), situated at Pragathinagar, Bachupally Village, Bachupally Mandal, Medchal-Malkajgiri District, on the basis of Memo No.G2/257/2019 issued by the respondent No.2 and Letter bearing No. 45/TP/NMC/2019 dated 01/11/2019 issued by the 4th respondent, as illegal, arbitrary and one without jurisdiction and to consequently direct the respondent No.3 to receive, register and release the Agreement of Sale presented by the Petitioners in respect of the Semi- Finished Flat No.402, in Fourth Floor, with built up area of 925 Sq.Feet (Including Common Area) and Two Wheeler Parking, along with an undivided share of land admeasuring 22 Sq.Yards, (Out of 600 Sq.Yards), constructed on Plot Nos.61, 62 and 67, total admeasuring 600 Sq.Yards, in Sector 4, in Sy.Nos.160 (Part), 182 (Part) and 159 (Part), forming part of the Layout Plan, (Vasavi Enclave 3rd Venture), situated at Pragathinagar, Bachupally Village, Bachupally Mandal, Medchal-Malkajgiri District,without the reference of the Memo No.G2/257/2019 issued by the respondent No.2 and Letter bearing No. 45/TP/NMC/2019 dated 01/11/2019 issued by the 4th respondent

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, register and release the Agreement of Sale presented by the Petitioners in respect of the Semi-Finished Flat No.402, in Fourth Floor, with built up area of 925 Sq.Feet (Including Common Area) and Two Wheeler Parking, along with an undivided share of land admeasuring 22 Sq.Yards, (Out of 600 Sq.Yards), constructed on Plot Nos.61, 62 and 67, total admeasuring 600 Sq.Yards, in Sector 4, in Sy.Nos.160 (Part), 182 (Part) and 159 (Part), forming part of the Layout Plan, (Vasavi Enclave 3rd Venture), situated at Pragathinagar, Bachupally Village, Bachupally Mandal, Medchal- Malkajgiri District,without the reference of the Memo No.G2/257/2019 issued by the respondent No.2 and Letter bearing No. 45/TP/NMC/2019 dated 01/11/2019 issued by the 4th respondent

Counsel for the Petitioners : SRI. KATIKA RAVINDER REDDY

Counsel for the Respondent Nos.1 to 3 : GP FOR REVENUE

Counsel for the Respondent No.4 : SRI N. PRAVEEN KUMAR, SC FOR MC

The Court made the following : ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.11399 OF 2022

ORDER:

Heard both sides and perused the material on record.

2. It is submitted by the learned counsel on either side that subject matter of this Writ Petition is squarely covered by the Common Order passed by this Court in W.P.No.328 of 2022 and batch dated 18.02.2022 as modified by the Order dated 22.02.2022 in I.A.No.2 of 2022 in W.P.No.2985 of 2022 and batch, as such, this Writ Petition may be disposed of in terms thereof.

3. Therefore, following the Common Order dated 18.02.2022 in W.P.No.328 of 2022 and batch as modified by the Order dated 22.02.2022 in I.A. No.2 of 2022 in W.P.No.2985 of 2022, in terms thereof, this Writ Petition is disposed of as under without any order as to costs:

(i) The respondent - Sub-Registrar is directed to register the document of sale, transfer and gift etc., presented for registration by the petitioner/s without references to the Memo Nos.G2/257/2019 dated 26.08.2020 and 29.12.2020 issued by the respondent - the Commissioner and Inspector General of Registration and Stamps, Telangana; Letter No.45/TP/NMC/2019 dated 01.11.2019 issued by the respondent - the Commissioner, Municipal Corporation, Nizampet to the respondent - the Sub Registrar, Quthbullapur, Ranga Reddy District, and similar letters, if any, issued by the various Municipal Commissioners in the State;

(ii) the Sub Registrars in the State shall make an endorsement at the reverse side of the first page of the document referred in direction No.(i) that registration so done is subject to outcome of SLP (Civil) No.19695 of 2021 filed by the State Government before the Hon'ble Supreme Court; and

(iii) in case, it is found that there is any violation of law like plots / lands / structures being sold form part of F.T.L. and Buffer Zone / Plots having less than 30 feet road width access, the Sub Registrar shall make an endorsement informing / cautioning the purchasers that risk is involved in purchase of such plots; such transactions are hit by relevant statutory provisions; that registration of the same is subject to outcome of orders of the Hon'ble Supreme Court in SLP (Civil) No.19695 of 2021. To that effect, an endorsement shall be made on the reverse side of the first / second page of the document and also in the encumbrance record, website etc.

The miscellaneous petitions pending, if any, shall stand closed.

There shall be no order as to costs.

SD/-K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Revenue (Stamps and Registration), Secretariat, State of Telangana, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana, Hyderabad.
3. The Sub-Registrar, Quthbullapur, Medchal-Malkajgiri District.
4. One CC to SRI. KATIKA RAVINDER REDDY, Advocate [OPUC]
5. Two CCs to GP FOR REVENUE, High Court for The State of Telangana at Hyderabad. [OUT]
6. Two CD Copies.
7. One Spare Copy.
8. The Commissioner, Nizampet Municipality, Nizampet, Medchal Malkajgiri District.
9. One CC to Sri. N. Praveen Kumar, Advocate. [OPUC]

AU
SB

HIGH COURT

DATED:09/03/2022



ORDER

WP.No.11399 of 2022

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

11-11-2022
07/04/2022