

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

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

PRESENT

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION NO: 16137 OF 2022

Between:

1. Smt.Pampari Bestha Balamma W/o Rajaiah
Indian, Aged About: 60 Years Occ: Agriculture
R/o. Douthyal Village, Bodhan,
Nizamabad District.
2. Bhooma Gonda s/o Saigonda
Indian, Aged About: 63 Years Occ: Agriculture
R/o. Douthyal Village, Bodhan,
Nizamabad District.
3. Loka Sumalatha W/o Loka Sandeep,
Indian, Aged About: 35 Years Occ: Agriculture
R/o. Douthyal Village, Bodhan,
Nizamabad District.
4. Ch.Sanjeeva Reddy S/o Narasa Reddy
Indian, Aged About: 56 Years Occ: Agriculture
R/o. Douthyal Village, Bodhan,
Nizamabad District.
5. Ch.Prameela Devi W/o Sanjeeva Reddy,
Indian, Aged About: 52 Years Occ: Agriculture
R/o. Douthyal Village, Bodhan,
Nizamabad District.
6. Ch.Bhoom Reddy, S/o Narasa Reddy
Indian, Aged About: 58 Years Occ: Agriculture
R/o. Douthyal Village, Bodhan,
Nizamabad District.
7. Kurma Sai Gonda S/o Bhooma Gonda
Indian, Aged About: 52 Years Occ: Agriculture
R/o. Douthyal Village, Bodhan,
Nizamabad District.
8. D.Posani W/o D.Nadipi Abbaiah,
Indian, Aged About: 48 Years Occ: Agriculture
R/o. Douthyal Village, Bodhan,
Nizamabad District.
9. D.Vittal S/o. D.Chinna Abbaiah,
Indian, Aged About: 36 Years Occ: Agriculture
R/o. Douthyal Village, Bodhan,
Nizamabad District.

4

10. D.Chinna Abbaiah, S/o D.Jaloji,
Indian, Aged About: 38 Years Occ: Agriculture
R/o. Douthyal Village, Bodhan,
Nizamabad District.

11. D.Dasarath S/o D.Jaloji Chinna Abbaiah,
Indian, Aged About: 40 Years Occ: Agriculture
R/o. Douthyal Village, Bodhan,
Nizamabad District.

.....Petitioners

A N D

1. State of Telangana
Rep. by its Principal Secretary,
Revenue (Registration & Stamps) Department
Secretariat, Hyderabad.

2. The Commissioner and Inspector General
of General and Stamps,
State of Telangana at Hyderabad

3. The Sub- Registrar, Bodhan,
Nizamabad, Nizamabad 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 an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent in not receiving and registering and releasing the Sale deed presented by the Petitioners in respect of plots in Sy.Nos. 296/21E, 296/14EE, 296/6A2, 296/5/E4, 296/3/AA, 296/15/E2, 296/4, 296/5/E1, 296/17/AA, 296/22/A, 296/221A2/2, 296/21/AA/2, 296/22/A2/1, 296/21AA/1, 296/22/A1/1, in an extent of Ac.1.03 gts, Ac.0.13 gts, Ac.0.37 gts, Ac.0.12 gts, Ac.0.15 gts, Ac.0.08 gts, Ac.1.10 gts, Ac.0.03 gts, Ac.0.20 gts, Ac.0.26 1/2 gts, Ac.0.27 gts, Ac.0.10 gts, Ac.0.03 gts, Ac.0.10 gts and Ac.0.3 1/2 gts, situated at Douthyal, Bodhan, Nizamabad District, total in an extent of Ac.7.28 guntas. As per its lay out on the basis of its memo G2/257/2019 issued by 2nd Respondent as illegal, arbitrary, unlawful, without jurisdiction and contrary to the provisions of the Registration Act, 1908 and in violation of Article 14 of Constitution of Indian, and consequently direct the 3rd Respondent to receive, register and release the sale deeds presented by the petitioners in respect of

above said property, notwithstanding the Memo No.G21257/2019, issued by the 2nd 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 3rd Respondent to receive, register and release the sale deed presented by the Petitioners in respect of plots in Sy.Nos. 296/21E, 296/14EE, 29616A2, 29615/E4, 296/3/AA, 29615/E2, 296/4, 296/5/E1, 296/17/M, 296/22/A, 296/22/A2/2, 296/21/AA/2, 296/22/A2/1, 296/21AA/1, 296/22/A1/1, in an extent of Ac.1.03 gts, Ac.0.13 gts, Ac.0.37 gts, Ac.0.12 gts, Ac.0.15 gts, Ac.0.08 gts, Ac.1.10 gts, Ac.0.03 gts, Ac.0.20 gts, Ac.0.26 1/2 gts, Ac.0.27 gts, Ac.0.10 gts, Ac.0.03 gts, Ac.0.10 gts and Ac.0.3 1/2 gts, situated at Douthyal, Bodhan, Nizamabad District, total in an extent of Ac.7.28 guntas, as per its layout plots with out reference to Memo No.G21257/2019, issued by the 2nd Respondent, and pending disposal of the present Writ Petition

Counsel for the Petitioner: SRI K. DURGA PRASAD

Counsel for Respondents: AGP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.16137 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 reference 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.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Registration and Stamps) Department, State of Telangana Secretariat, Hyderabad.
2. The Commissioner and Inspector General of General and Stamps, State of Telangana at Hyderabad
3. The Sub- Registrar, Bodhan, Nizamabad, Nizamabad District
4. One CC to Sri K Durga Prasad Advocate [OPUC]
5. Two CCs to GP For Revenue, High Court for the State of Telangana. [OUT]
6. Two CD Copies
7. One Spare Copy

MBC
TR

HIGH COURT

DATED: 30/03/2022



ORDER

WP.No.16137 of 2022

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

9
Amritha
19/04/2022