

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

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 16863 OF 2022

Between:

Kontham Dayakar Reddy, S/o Kontham Lakshmi Reddy, Aged about 43 years, Occ. Business, R/o H-No. 3-99, College Road, Pebbair Village and Mandal, Wanapathy District, (Erstwhile Mahaboobnagar District), Telangana

...PETITIONER

AND

1. The State of Telangana, Rep. by its Prl Secretary, Revenue (Stamps and Registration) Department, Secretariat, Hyderabad.
2. The Commissioner and Inspector General, Stamps and Registration Department, Hyderabad, Telangana.
3. The District Registrar, Wanaparthi District, Wanaparthi.
4. The Sub-Registrar, Wanaparthi, Wanaparthi 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 the appropriate Writ, order or orders or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents more particularly 4th respondent in refusing to receive, process, register and release the sale deeds executed by the petitioner in favour of prospective purchasers in respect of open plots bearing Nos. 7, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 21 and 22 in Survey No. 15A out of to an extent of Ac. 01-00 gts situated within the limits of Pebbair Municipality and Mandal, Wanaparthi District (Erstwhile Mahaboobnagar District), pursuant to Memo No. G2/257/2019, dated. 26-08-2020 issued by the 2nd respondent and without being any justification reason is being illegal, arbitrary, unjust and violation of provisions of the Stamps and Registration Act, 1908 and violative of Article 14 and 300-A of the Constitution of India and consequently direct the respondent No.4 to receive,

process, register and release the sale deeds presented by the petitioner herein in favour of prospective buyers in respect to open plots bearing Nos. 7, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 21 and 22 in Survey No.15A out of to an extent of Ac. 01-00 gts situated within the limits of Pebbair Municipality and Mandal, Wanaparthy District (Erstwhile Mahaboobnagar District), without reference to Memo No. G2/257/2019, dt. 26-08-2020 issued by the 2nd respondent herein.

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 4th respondent to receive, process, register and release the sale deeds presented by the petitioner herein in favour of prospective buyers in response to open plots bearing Nos. 7, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 21 and 22 in Survey No.15A out of to an extent of Ac. 01-00 gts situated within the limits of Pebbair Municipality and Mandal, Wanaparthy District (erstwhile Mahaboobnagar District)., without reference to Memo No. G2/257/2019, dated. 26-08-2020 issued by the 2nd respondent, Pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI. BONDEMPALLY RAMULU

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No. 16863 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.

//TRUE COPY//

SD/-T.SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Prl Secretary, Revenue (Stamps and Registration) Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner and Inspector General, Stamps and Registration Department, Hyderabad, Telangana.
3. The District Registrar, Wanaparthy District, Wanaparthy.
4. The Sub-Registrar, Wanaparthy, Wanaparthy District.
5. One CC to SRI. BONDEMPALLY RAMULU Advocate [OPUC]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
7. Two CD Copies.
8. One Spare Copy.

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HIGH COURT

DATED:06/04/2022



ORDER

WP.No.16863 of 2022

DISPOSING OF THE WP
WITHOUT COSTS.

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21/4/22
HVK