

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

FRIDAY, THE TWENTY SECOND DAY OF APRIL ✓
TWO THOUSAND AND TWENTY TWO ✓

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR —

WRIT PETITION NO: 18702 OF 2022 ✓

Between:

1. Gandam Bhaskar, S/o. Masanna, aged about 52 years, Occ. Pvt. Service, R/o. H. No. 26-72/1, Gandhinagar, Wanaparthy Town and District.
2. Gandam Paramjoythi, S/o. Laxmaiah, aged about 53 years, Occ. Agriculture, R/o. H. No. 26-96, Gandhinagar, Wanaparthy Town and District.
3. Gandam Sharavanda, S/o. Bandenna, aged about 53 years, Occ. Business, R/o. H. No. 26-18/7, Gandhinagar, Wanaparthy Town and District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary . Revenue (Stamps and Registration) Department, Secretariat, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, State of Telangana Hyderabad.
3. The Sub-Registrar, Wanaparthy, Wanaparthy 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 order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the impugned Memo No.G2/257/2019, dt.26-08-2020 directing the 3rd respondent not to accept the sale deeds in respect of the plots and houses which are part and parcel of unauthorized layout, as illegal, arbitrary, and contrary to the provisions of

Registration Act, 1908 and also contrary to the order passed by the Hon'ble High Court in W.P.No.9248/2021, dt.23-08-2021 and consequently direct the 3rd respondent to receive, registrar and release sale deeds in respect of plots Nos.2, 3, 4 and 5, in Sy. No. 179/AA, admeasuring Ac.0-10 guntas at Srinivasapuram village, Wanaparthy Mandal and District, without reference to the Memo No. G2/257/2019, dated 26-08-2020 issued by the 2nd respondent in favour of the petitioners, as the petitioners are ready and willing to comply with all other formalities for the purpose of registration and release the documents

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 issue interim order directing the 3rd respondent to receive, registrar and release the sale deeds sought to be presented by the petitioner in respect of plot bearing Nos.2, 3, 4 and 5, in Sy.No.179/AA, admeasuring Ac.0-10 guntas at Srinivasapuram village, Wanaparthy Mandal and District, without reference to the Memo No. G2/257/2019, dated 26.08.2020 issued by the 2nd respondent, pending disposal of main Writ Petition.

Counsel for the Petitioners : SRI. M DAMODAR REDDY

Counsel for the Respondents : GP FOR REVENUE

The Court made the following : ORDER

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.18702 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 dated 18.02.2022 passed by this Court 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 and batch, as such, this writ petition may be disposed of in terms thereof.

3. Therefore, following the common order dated 18.02.2022 passed by this Court 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 and batch, 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, 2 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,

subject to the petitioner(s) complying with the provisions of the Indian Registration Act, 1908, and Indian Stamp Act, 1899. It is open to the Registering Authority to refuse/receive the document(s) presented before him, if he has any other objection, by duly assigning reasons in support of such decision and communicate the said decision to the petitioner(s);

(ii) the respondent - 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 applications, if any, pending in the writ petition shall stand closed.

//TRUE COPY//

SD/-L.LAKSHMI BABU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration) Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, State of Telangana Hyderabad.
3. The Sub-Registrar, Wanaparthy, Wanaparthy District.
4. One CC to SRI. M DAMODAR REDDY Advocate [OPUC]
5. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

HIGH COURT /

NVSKJ /

DATED:22/04/2022 /



ORDER /

WP.No.18702 of 2022 /

WRIT PETITION DISPOSED OF WITHOUT COST /