

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

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

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO: 19544 OF 2022

Between:

1. Sri. Bantu Ramesh, S/o. Lalappa, Aged about 43 years, Occ: Agriculture, R/o. Kosgi, Narayanpet District.
2. Sri. Bejju Ramchandraiah, S/o. Kondanna, Aged about 55 years, Occ: Agriculture, R/o. Kosgi, Narayanpet District.
3. Sri. Gongalla Varaprasad, S/o. G. Nagappa, Aged about 48, Occ: Agriculture, R/o. Kosgi, Narayanpet District.
4. Sri. Mekala Rajesh, S/o. M. Narsimulu, Aged about 43 years, Occ: Agriculture, R/o. Kosgi, Narayanpet District.
5. Sri. Mekala Sailoo, S/o. Narsaiah, Aged about 49 years, Occ: Agriculture, R/o. Kosgi, Narayanpet District.
6. Smt. Mekala Satyamma, W/o. Chennaiah, Aged about 62 years, Occ: Agriculture, R/o. H.No.20-161, B.C. Colony, Kosgi, Narayanpet District, Rep.by her GPA Holder, Sri.Bejju Ramchandraiah, S/o. Kondanna, Aged about 55 years, Occ: Agriculture, R/o. Kosgi, Narayanpet District.
7. Sri. Mekala Narsimlu @ Narsimulu, S/o. Ashappa, Aged about 40 years, Occ: Agriculture, R/o. Kosgi, Narayanpet, District. Rep.by his GPA Holder Sri. Bantu Ramesh, S/o. Lalappa, Aged about 43 years, Occ: Agriculture, R/o. Kosgi, Narayanpet District.

...PETITIONER(S)

AND

1. 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, Telangana, Hyderabad.
3. The Sub-Registrar, Narayanpet, Narayanpet 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 action of the 3rd Respondent in refusing to entertain registrations in respect of Plot Nos. 9, 10, 16, 21, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58, 70, 71, 73, 91, 95, 100, 102, 107, 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 121, 122, 125, 126, 129, 130, 133, 134, 135, 137, 142, 143, 144, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 162, 163, 164, 165, 166, 167, 170, 171, 172, 175, 176, 177, 181, 184, 188, 189, 190, 191, 192, 193, 194, 202, 203, 205, 206, 209, 210, 211, 212, 213, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 227, 228, 229, 230, 231, 234, 235, 236, 240, 241, 242, 243, 244, 245, 246, 247 about 133 plots in the layout land to extent of Ac.11.28 Gts., in Sy.No.1797A/1, 1797A/2, 1797/B, 1797/BB of Kosgi Village and Mandal, Narayanpet District, (Erstwhile Mahabubnagar District) on the basis of Memo issued by the 2nd Respondent in Memo No. G2/257/2019, dated 26/08/2020 as illegal, arbitrary and in violation of orders passed in W.P.No. 9248 of 2021, dated 23/8/2021 and consequently direct the 3rd Respondent to receive, register and release the sale deeds pertaining to Plots in the Layout in Sy.No.1797A/1, 1797A/2, 1797/B, 1797/BB of Kosgi Village and Mandal, Narayanpet District, (Erstwhile Mahabubnagar District) notwithstanding the Memo No. G2/257/2019, dated 26/08/2020 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 sale deeds of the petitioners in respect of Plot Nos. 9, 10, 16, 21, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58, 70, 71, 73, 91, 95, 100, 102, 107, 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 121, 122, 125, 126, 129, 130, 133, 134, 135, 137, 142, 143, 144, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 162, 163, 164, 165, 166, 167, 170, 171, 172, 175, 176, 177, 181, 184, 188, 189, 190, 191, 192, 193, 194, 202, 203, 205, 206, 209, 210, 211, 212, 213, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 227, 228, 229, 230, 231, 234, 235, 236, 240, 241, 242, 243, 244, 245, 246, 247 about 133 plots in the layout land to extent of Ac.11.28 Gts., in Sy.No.1797A/1, 1797A/2, 1797/B, 1797/BB of Kosgi Village and Mandal, Narayanpet District, (Erstwhile Mahabubnagar District) without reference to Memo No. G2/257/2019, dated 26.08.2020, issued by the 2nd Respondent, pending disposal of the Writ Petition.

Counsel for the Petitioner(s) : SRI. SRINIVAS ALENUR

Counsel for the Respondents : GP FOR REVENUE

The Court made the following : ORDER

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION No.19544 OF 2022

ORDER:

Heard the submission of learned counsel for the petitioner as well as the learned Government Pleader for Stamps and Registration. Perused the material available on record.

2. Learned counsel for the petitioner as well as the learned Government Pleader for Stamps and Registration submits that the 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. By stating so, they seek to dispose of the present Writ Petition in terms of the above order.

3. Having regard to the afore-mentioned submission, this Court considers it desirable to dispose of the present Writ Petition 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.

(i) The respondent - Sub-Registrar is directed to register the document presented for registration by the petitioner/s without reference to the Memo No. 62/257/2019 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 Registrar concerned 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.

(iv) The respondent - Sub-Registrar, however, shall register the document in case the same is in accordance with law regarding all other aspects.

4. The Writ Petition is accordingly disposed of. No order as to costs.

5. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/-T.SRINIVAS
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat, State of Telangana, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana, Hyderabad.
3. The Sub-Registrar, Narayanpet, Narayanpet District.
4. One CC to SRI. SRINIVAS ALENUR, 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

TR

SW



HIGH COURT

DATED:25/04/2022

ORDER

WP.No.19544 of 2022

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

⑨ VLW
2/5/22