

**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: 19617 OF 2022

Between:

Suddala Raju, W/o. Suddala Anjaiah, Age 47 Years, Occ: Housewife,
R/o. H. No. 2-3-312, Metpally Town and Mandal, Jagtial District

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary to the Stamps and Registration Department, Secretariat Buildings, Hyderabad.
2. The Commissioner and Inspector General of Stamps and Registration, Mojam Jahi Market, Hyderabad.
3. The Sub-Registrar, Metpally, Metpally Proper and Mandal, Karimnagar 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 or any other appropriate writ, declaring the action of respondent No. 3, in refusing to receive, register and release the Gift settlement deed presented by the petitioner in respect her plot i.e., an extent of 233.01 Sq. Yds. in Sy. No.1197 situated at Metpally Town and Mandal, Jagtial District, pursuant to the Memo No's. G2/257/2019, dated 26-08-2020, and G2/257/2019, Date. 29-12-2020 issued by the respondent No. 2, under the Prohibition of registration of unauthorized plots and buildings, is nothing but arbitrary, illegal, null and void, without jurisdiction, contrary to the provisions of Registration Act, 1908 and in violation of Articles 14, 19 and 21 of Constitution of India. Consequently direct the respondent No. 3, herein to forthwith receive, process, register and release the Gift settlement deed presented by the petitioner in respect of her above referred plot i.e., in Sy. No. 1197 situated at Metpally Town and Mandal, Jagtial District, without reference to the Memo No's. G2/257/2019, dated 26/08/2020 and No. G2/257/2019, Dated. 29/12/2020 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 respondent No. 3, to forthwith receive, process, register and release the Gift settlement deed presented by the petitioner of her plot i.e., an extent of 233.01 Sq. Yds. in Sy. No.1197 situated at Metpally Town and Mandal, Jagtial District, without reference to the Memo No's.G2/ 257/2019, dated 26-08-2020, and G2/257/2019 29-12-2020 issued by the respondent No.2.

Counsel for the Petitioner: SRI. K. VENUMADHAV

Counsel for the Respondents: GP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION No.19617 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 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 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/- B.SATYAVATHI
ASSISTANT REGISTRAR
SECTION OFFICER

- To,
1. The Principal Secretary to the Stamps and Registration Department, State of Telangana Secretariat Buildings, Hyderabad.
 2. The Commissioner and Inspector General of Stamps and Registration, Mojam Jahi Market, Hyderabad.
 3. The Sub-Registrar, Metpally, Metpally Proper and Mandal, Karimnagar District.
 4. One CC to Sri K. Venumadhav, Advocate [OPUC]
 5. Two CCs to GP for Stamps and Registrations, High Court for the State of Telangana at Hyderabad. [OUT]
 6. Two CD Copies
 7. One Spare Copy
- CHR

HIGH COURT

DATED:25/04/2022

ORDER

W.P.No.19617 of 2022



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(9)

VVW
12/5/22