

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 SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

WRIT PETITION NO: 20323 OF 2022

Between:

Mohammad Abdul Faheem, S/o. Abdul Wahed, Aged about 40 years, Occ: Business, R/o.H.No.4-2-32, Zainulabeddin Gallim, Bhainsa Bhainsa Mandal, Nirmal District, Telangana State.

Represented by his General Power of Attorney Holder

Mohammed Fazil, S/o.Mohammed Yaseen, Aged about 39 years, Occ: Business, R/o.H.No.4-2-14, Market Galli, Bhainsa Village, Bhainsa Mandal, Nirmal District, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary Stamps and Registration Department, Secretariat Buildings, BRKR Bhavan, Tank bund, Hyderabad.
2. The Commissioner and Inspector General Of Registration and Stamps, M.J. Market, Hyderabad, Telangana State.
3. The Sub-Registrar, Bhainsa Bhainsa Mandal, Nirmal 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 Writ of Mandamus, declaring the action of the 3rd respondent in not receiving, registering and releasing the sale deeds presented by the Petitioner in respect of Plots bearing Nos.49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 61, 67, 68, 69, 70, 71, 72 and 73 in Sy.No.34/AA/1, (Sy.No.34/B/1 as per NALA) admeasuring total 2749.1 sq. yards situated at Bhainsa Village, Bhainsa Mandal, Nirmal District, on the Ground of Memo bearing No.G2/257/2019 dated 26.08.2020 and 29.12.2020 issued by the 2nd respondent as illegal, arbitrary, without jurisdiction, contrary to the provisions of Registration Act-1908, and violation of Article 14 of

Constitution of India, and consequently direct the 3rd Respondent to receive, register and release the sale deeds presented by the Petitioner without reference to Memo bearing No.G2/257/2019 dated 26.08.2020 and 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 herein to receive, register and release Twenty sale deeds(20 Plots) presented by the Petitioner in respect of Plot bearing Nos.49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 61, 67, 68, 69, 70, 71, 72 and 73 in Sy.No.34/AA /1, (Sy.No.34/B/1 as per NALA) admeasuring total 2749.1 sq. yards Situated at Bhainsa Village, Bhainsa Mandal, Nirmal District, without reference to Memo bearing No.G2/257/2019 dated 26.08.2020 and 29.12.2020 issued by the 2nd respondent, pending disposal of the main Writ Petition.

Counsel for the Petitioner:SRI. THOOM SRINIVAS

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE G.ANUPAMA CHAKRAVARTHY

WRIT PETITION No.20323 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, Bhainsa, Bhainsa Mandal, Nirmal District is directed to register the document of sale, transfer and gift etc., presented for registration by the petitioner/s, if document is otherwise in accordance with law, 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 this writ petition stand closed.

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Stamps and Registration Department, State of Telangana, Secretariat Buildings, BRKR Bhavan, Tank bund, Hyderabad.
2. The Commissioner and Inspector General Of Registration and Stamps, M.J. Market, Hyderabad, Telangana State.

3. The Sub-Registrar, Bhainsa Bhainsa Mandal, Nirmal District.
4. One CC to SRI. THOOM SRINIVAS 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.

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SW 

HIGH COURT

DATED:25/04/2022



ORDER

WP.No.20323 of 2022

**DISPOSING OF THE WP
WITHOUT COSTS.**

(9)
MA
14/7/22