

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

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

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 21370 OF 2022

Between:

Vemula Krishna, S/o. Venkatramulu, Age. 52 Years, Occ. Business, R/o. H.
No. 1-2-111, Muslimpura, 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, Jagtial 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 of his plot of land admeasuring 400.00 Sq. Yds equal to 334.44 Sq. Mtrs in Sy. No. 1191, situated at Metpally Village 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 his plot referred above i.e., land admeasuring 400.00 Sq. Yds equal

to 334.44 Sq. Mtrs in Sy. No. 1191, situated at Metpally Village 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 his plot i.e., land admeasuring 400.00 Sq. Yds equal to 334.44 Sq. Mtrs in Sy. No. 1191, situated at Metpally Village and Mandal, Jagtial District, without reference to the Memo No's. G2/257/2019, dated 26-08-2020, and G2/257/2019, dated. 29-12-2020 issued by the respondent No. 2.

Counsel for the Petitioner: SRI. K.VENUMADHAV

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.21370 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.

SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

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, Jagtial District.
4. One CC to SRI. K.VENUMADHAV 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.

GB

MMA

HIGH COURT

DATED:27/04/2022

ORDER

WP.No.21370 of 2022



**DISPOSING OF THE WP
WITHOUT COSTS.**

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[Signature]
10/5/2022