

**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: 21376 OF 2022

Between:

1. KURVA GOPAL, S/o. Kurva Ramanna, Aged about 36 years, Occ. Business, R/o. H. No. 1-38, Doudarpally, Gadwal Town, Jogulamba Gadwal District, Telangana.
2. Sri.T. Jagadeesh, S/o. Late T.Nagaraju, Aged about 33 years, Occ. Business, R/o. H. No. 7-9-141, Nallakunta, Gadwal Town, Jogulamba Gadwal District, Telangana.
3. Sri. Narsimhulu, S/o. Hanumanthu, Aged about 33 years, Occ. Business, R/o. H. No. 2-47, Doudarpally, Gadwal Town, Jogulamba Gadwal District, Telangana.

...PETITIONERS

AND

1. THE STATE OF TELANGANA, Represented by Its Principal Secretary, (Revenue Department), Secretariat, Hyderabad.
2. The commissioner and inspector General of stamps and Registration, Mozamjahi Market, Hyderabad,
3. The Sub-Registrar, Gadwal, Jogulamba Gadwal 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 a Writ Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents No. 3 in refusing to receive, process, register and release the sale deed documents presented by the Petitioner's of their respective Plots bearing No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 1A, 7A in Survey No. 936/B2, situated at Gadwal outskirts, Gadwal Mandal, Jogulamba Gadwal District (old Mahabubnagar), on the basis of the MEMO No.G2/257/2019, dated 26-8-2020 and 29-12-2020, issued by the Respondent No.2, as arbitrary, illegal without any jurisdiction contrary to the provisions of the registration Act 1908 and in violation of Article 14 of Constitution of India and consequently direct the Respondent No. 3 herein to receive, register and release the sale deed documents presented by the Petitioners in respect of their Plot Nos.1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 1A, 7A admeasuring 133.33Sq.Yds, 133.33Sq.Yds, 133.33Sq.Yds, 148.43 Sq.Yds, 149.78Sq.Yds, 133.33Sq.Yds, 133.33Sq.Yds, 119.72 Sq.Yds,

101.38 Sq.Yds, 102.83Sq.Yds, 53.98Sq.Yds, 54.34Sq.Yds total 1397.11Sq.Yds in Survey No. 936/B2,situated at Gadwal outskirts, Gadwal Mandal, Jogulamba-Gadwal District (old Mahabub nagar)without reference to MEMO No.G2/257/2019, dated 26-08-2020, issued by the Respondent No.2.

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 receive, process, register, and release the sale deed documents presented by the petitioners in respect of their plot Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,1A, 7A admeasuring 133.33Sq.Yds, 133.33Sq.Yds, 133.33Sq.Yds, 148.43 Sq.Yds, 149.78Sq.Yds,133.33Sq.Yds, 133.33Sq.Yds, 119.72 Sq.Yds, 101.38 -Sq.Yds, 102.83Sq.Yds, 53.98Sq.Yds, 54.34Sq.Yds total 1397.11Sq.Yds in Survey No. 936/B2, situated at Gadwal outskirts, Gadwal Mandal, Jogulamba-Gadwal District (old Mahabub nagar), without reference to MEMO No.G2/257/2019, dated 26-08-2020 and 29-12-2020, issued by the office of the Respondent No.2.

Counsel for the Petitioners:SRI. RAVI PRAKASH.N

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.21376 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/-T.SRINIVAS
ASSISTANT REGISTRAR
(Signature)
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, (Revenue Department), State Of Telangana, Secretariat, Hyderabad.
2. The commissioner and inspector General of stamps and Registration, Mozamjahi Market, Hyderabad.

3. The Sub-Registrar, Gadwal, Jogulamba Gadwal District.
4. One CC to SRI. RAVI PRAKASH.N 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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SB

Hvt
r

HIGH COURT

DATED:27/04/2022



ORDER

WP.No.21376 of 2022

**DISPOSING OF THE WP
WITHOUT COSTS.**

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24/5/22
HVS