

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL

TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 21802 OF 2022

Between:

Shabana Anjum, W/o. Mohammed Mazher Uddin, Age about 36 years, Occ. House Wife, R/o. H. No. 11-2-557/29, Flat No. 303, Aghapura, Nampally, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Revenue, (Stamps and Registration) Department Secretariat, Hyderabad, T.S
2. The Commissioner and Inspector, General Of Registration and Stamps, Mouzamiel Market, Hyderabad, T.S.
3. The Sub-Registrar Office, Sub- Registrar, Azampura, Hyderabad, T.S.

...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 order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ or direction, holding that the inaction of the respondent No.3 in refusing to receive, register and release the sale deed presented by petitioner in respect of Flat No. 604 on Sixth Floor of building complex known as - CROWN PLAZA- BLOCK - A with built-up area of admeasuring 1240

Square Feet, including common area and all common amenities and one car Parking Space in Stilt Floor, together with a proportionate undivided share of 22 Square Yards in sheduced -1 property bearing Municipal No. 16-2-751/3/1/A. 16-2-751/7/A/1abnd 16-2- 751/4(Portion) , out of totally admeasring 1473.11 Square Yards, situated at Sayeedabad, Hyderabad, which is illegal, arbitrary and contrary to the provisions of the Registration Act., 1908 and in violation of Articles 14 of the Constitution of India and consequently a direction is issued to the Respondent No.3 herein to receive, register and release the sale deed presented by the petitioner in respect of Flat No. 604 on Sixth Floor of building complex known as -CROWN PLAZA BLOCK - A with built-up area of admeasuring 1240 Square Feet. including common area and all common amenities and one car Parking Space in Stilt Floor, together with a proportionate undivided share of 22 Square Yards in sheduced -1 property bearing Municipal No. 16-2-751/3/1/A. 16-2-751/7/A/1abnd 16-2-751/4(Portion) , out of totally admeasuring 1473.11 Square Yards. situated at Sayeedabad, Hyderabad, without reference to Memo No. G2/257/2019, dated 26/08/2020 .

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 thereby directing the Respondent No.3 herein to receive, register and release the sale deed presented by the petitioner in respect of Flat No. 604 on Sixth Floor of building complex known as CROWN PLAZA- BLOCK -A. with built-up area of admeasuring 1240 Square Feet, including common area and all common amenities and one car Parking Space in Stilt Floor, together with a proportionate undivided share of 22 Square Yards in sheduced -1 property bearing Municipal No. 16-2- 751/3/1/A. 16-2-751/7/A/1abnd 16-2-751/4(Portion) out of

totally admeasring 1473.11 Square Yards, situated at Sayeedabad, Hyderabad, without reference to Memo N^o. G2/257/2019, dated 26.08.2020 .

Counsel for the Petitione :SRI. MUNEER BASHA SHAIK

**Counsel for the Respondent 1 TO 3 : GP FOR STAMPS AND
REGISTRATION**

The Court made the following: ORDER.

HONOURABLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.21802 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 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.

//TRUE COPY//

**SD/- T.SRINIVAS
ASSISANT REGISTRAR**

SECTION OFFICER

To,

1. The Principal Secretary Revenue, State of Telangana, (Stamps and Registration) Department Secretariat, Hyderabad, T.S
2. The Commissioner and Inspector, General Of Registration and Stamps, Mouzamiel Market, Hyderabad, T.S.
3. The Sub-Registrar Office, Sub- Registrar, Azampura, Hyderabad,

4. One CC to SRI. MUNEER BASHA SHAIK ,Advocate [OPUC]
5. Two CCs to GP FOR STAMPS AND REGISTRATION,High Court for the State of Telangana. [OUT]
6. Two CD Copies
7. One Spare Copy.

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HIGH COURT

DATED:29/04/2022



ORDER

WP.No.21802 of 2022

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

9 Copies
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15/6/22