

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE TENTH DAY OF JUNE TWO THOUSAND AND TWENTY TWO

:PRESENT:

**THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR
WRIT PETITION NO: 24813 OF 2022**

Between:

Lingampally Mallaiah alias Mallesh, S/o. L.Penntaiah,

...Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue (Stamps and Registration), Secretariat, Hyderabad.
2. The District Registrar, Medchal-Malkajgiri District.
3. The Sub Registrar, Quthbullapur, Medchal-Malkajgiri District.
4. The Collector, Medchal-Malkajgiri District.
5. The Tahasildar, Quthbullapur Mandal, Medchal-Malkajgiri District.

...Respondents

WHEREAS the Petitioner above named through his Advocate Sri RAJAGOPALLAVAN TAYI presented this 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 any writ order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondent No.3 in receiving and registering of the Sale deed presented by the petitioners in respect of House No. 02-088/2/Part (South Side Portion) (GHMC PTIN No. 1150200277), land admeasuring 100.0 Sq.Yards or 83.6 Sq.Mtrs., (Out of 200.0 Sq.Yards), with plinth area of 300.0 Sft., of ACC., (Out of 665.0 Sft., of ACC), covered under Block No. 02 and Ward No.01, in Survey No. 107/11, situated at Sunder Nagar, Suraram Colony, Suraram Village, Quthbullapur Mandal, under GHMC, Medchal-Malkajgiri District, Telangana State on the ground that the survey numbers where the petitioner's property is situated is notified under as prohibited property list under Section 22-A of Registration Act, vide Gazette Notification RR No.83 communicated by Joint. Collector, Ranga Reddy vide File No.E5/4730/ Quthbullapur/ Quthbullapur dt.25.09.2013 and Deputy Collector and Tahasildar, Quthbullapur Mandal file No.B/583/2012 dt.17.02.2012 as illegal, arbitrary and unconstitutional and consequently direct the Respondent No.3 to receive and register the Sale Deed in respect of House No. 02-088/2/Part (South Side Portion) (GHMC PTIN No. 1150200277), land admeasuring 100.0 Sq.Yards or 83.6 Sq.Mtrs., (Out of 200.0 Sq.Yards), with plinth area of 300.0 Sft., of ACC., (Out of 665.0 Sft., of ACC), covered under Block No. 02 and Ward No.01, in Survey No. 107/11, situated at Sunder Nagar, Suraram Colony, Suraram Village, Quthbullapur Mandal, under GHMC, Medchal-Malkajgiri District, Telangana State,

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri RAJAGOPALLAVAN TAYI Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Revenue (Stamps and Registration), State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Medchal-Malkajgiri District.
3. The Sub Registrar, Quthbullapur, Medchal-Malkajgiri District.
4. The Collector, Medchal-Malkajgiri District.
5. The Tahasildar, Quthbullapur Mandal, Medchal-Malkajgiri District.

are directed to show cause on or before 22.07.2022 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

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 and register the Sale deed in respect of House No. 02-088/2/Part (South Side Portion) (GHMC PTIN No. 1150200277), land admeasuring 100.0 Sq.Yards or 83.6 Sq.Mtrs., (Out of 200.0 Sq.Yards), with plinth area of 300.0 Sft., of ACC., (Out of 665.0 Sft., of ACC), covered under Block No. 02 and Ward No.01, in Survey No. 107/11, situated at Sunder Nagar, Suraram Colony, Suraram Village, Quthbullapur Mandal, under GHMC, Medchal-Malkajgiri District, Telangana State, pending disposal of WP No. 24813 of 2022, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

Notice before admission.

Learned Assistant Government Pleader for Revenue takes notice on behalf of respondents Nos.1 to 5.

Learned counsel for the petitioner submits that this Court while dealing with similar issue in W.P. No.20894 of 2022, dated 29.04.2022, granted interim orders with a direction to the respondents to receive and process the documents.

In view of the above and for the reasons alike in the order dated 29.04.2022, subject to further consideration of the issue after the judgment of the Hon'ble Supreme Court in Civil Appeal No. 4223 of 2018 and batch, the provisions of Section 22-A of the Registration Act and the orders issued by this Court in various writ petitions, by way of interim order, the respondent-Registering Authority is directed to receive and process the document, without reference to the letter, dated 17.02.2012, and the Gazette Notification, dated 25.09.2013, subject to compliance of provisions of the Indian Registration Act, 1908 and Indian Stamp Act, 1899 and to ascertain the status of land, as reflected in the revenue records. If the deed of conveyance complies with all the requirements and there is no embargo in accepting the document for registration, the Registering Authority shall register and release the document. However, any such action shall abide the

result of the writ petition. Further, petitioner is directed not to resort to further conveyance of the subject property without leave of this Court.

Registry shall make an endorsement on the writ petition to the effect that the same shall not be permitted to be withdrawn.

Post on 22.07.2022.

SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration), State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Medchal-Malkajgiri District.
3. The Sub Registrar, Quthbullapur, Medchal-Malkajgiri District.
4. The Collector, Medchal-Malkajgiri District.
5. The Tahasildar, Quthbullapur Mandal, Medchal-Malkajgiri District. (addressees 1 to 5 by RPAD- along with a copy of petition and affidavit)
6. One CC to SRI. RAJAGOPALLAVAN TAYI Advocate [OPUC]
7. Two CCs to GP FOR STAMPS AND REGISTRATION (TG) , High Court for the State of Telangana at Hyderabad. [OUT]
8. One spare copy

PVB

HIGH COURT

NVSKJ

DATED:10/06/2022

POST ON:22/07/2022

NOTICE BEFORE ADMISSION

WP.No.24813 of 2022

DIRECTION

