

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

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 2934 OF 2022

Between:

Mr. Syed Ghulam Mohiuddin, S/o. Syed Gulam Mustafa, Age 65 years, Occ. Business, R/o. H. No. 12-2-800/90, Dilshad Nagar Colony, Reti Bowli, Hyderabad, Telangana State. Represented By his Development agreement GPA Holder, Syed Khaleel S/o. Syed Younus, Aged about 47 years, Occ. Business, R/o. H. No. 12-2-800/440, Dilshad Nagar Colony, Reti Bowli, Hyderabad, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary, Revenue (Stamps and Regn.) Department, Secretariat, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana State.
3. The District Registrar, Hyderabad (South), Hyderabad.
4. The Sub-Registrar, Golconda. Hyderabad.

...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 or order or direction particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in refusing to receive, register and release the sale deed presented by the petitioner in

respect of Flat No. 401, on Fourth Floor with built-up area of 1650 Sft., (including common area), together with undivided share of land to an extent of 33 Square Yards, with car parking, Flat No. 501, on Fifth Floor with built-up area of 1650 Sft., (including common area) and Car Parking area, together with undivided share of land to an extent of 33 Square Yards, with car parking and Flat No. 601 Sixth Floor with built-up area of 1250 Sft., (including common area), together with undivided share of land to an extent of 33 Square Yards, of AASHIYANA APARTMENT out of total land area of 200 Square Yards, in the premises bearing Municipal No. 12-2-800/90, 12-2-800/90/1, (on Plot No. 90), Situated at Dilshad Nagar Colony, of Cooperative Housing Society Ltd., Rethi Bowli, Hyderabad, T.S. PTI Nos. 1071213256, 1071213257, on the guise of the Memo G2/257/2019, Dated 26/08/2020 issued by the 2nd respondent, as illegal, arbitrary, without any jurisdiction, contrary to the provisions of the Registration Act, 1908 and in violation of Article 14 of the Constitution of India and consequently direct the 4th respondent to receive, register and release the sale deed presented by the petitioner in respect of the above property without reference to Memo G2/257/2019, Dated 26/08/2020 issued by the 2nd respondent in the interest of justice.

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.4th to receive, register and release the sale deed to be presented by the petitioner in respect of Flat No. 401, on Fourth Floor with built-up area of 1650 Sft., (including common area), together with undivided share of land to an extent of 33 Square Yards, with car parking, Flat No. 501, on Fifth Floor with built-up area of 1650 Sft., (including common area) and Car Parking area, together with undivided share of land to an extent of 33 Square Yards, with car parking and Flat No. 601 Sixth Floor with built-up area of 1250 Sft., (including common area), together with undivided share of land to an extent of 33 Square Yards, of AASHIYANA APARTMENT out of total land area of 200 Square Yards, in the premises bearing Municipal No. 12-2-800/90, 12-2-800/90/1, (on Plot No. 90), Situated at Dilshad Nagar Colony, of Cooperative Housing Society Ltd., Rethi Bowli, Hyderabad, T.S. PTI Nos. 1071213256, 1071213257, without reference to

Memo G2/257/2019, Dated 26/08/2020 pending disposal of the above writ petition.

Counsel for the Petitioner : SRI. SHAIK KHALID

Counsel for the Respondents : GP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.2934 OF 2022

ORDER (ORAL) :

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, and therefore, keeping the matter pending will not serve any purpose, as such, the same may be disposed of in terms thereof.

3. This Court passed interim order in this writ petition directing the respondents to receive, process, register and release the subject document/s. However, conditions were imposed that (a) the petitioner/s is/are not permitted to withdraw the writ petition and (b) registration shall be subject to final result of the writ petition.

4. In view of the above, recording the aforesaid submission of the learned counsel on either side, 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:

(A) If the subject document/s has/have already been registered and released pursuant to the interim order;

(i) the document/s registered by the Sub-Registrar shall be subject to outcome of SLP (Civil) No.19695 of 2021 filed by the State Government before the Hon'ble Supreme Court; and

(ii) 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 in the encumbrance record, website etc.

(B) If the subject document/s is/are not yet registered and released pursuant to the interim order;

(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, 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.TIRUMALA DEVI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Regn.) Department, Secretariat, State of Telangana, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana State.
3. The District Registrar, Hyderabad (South), Hyderabad.
4. The Sub-Registrar, Golconda. Hyderabad.
5. One CC to SRI. SHAIK KHALID, Advocate [OPUC]
6. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies
8. One Spare Copy

ABBASI

HIGH COURT

DATED : 07/03/2022



ORDER

WP.No.2934 of 2022

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(10)
M/A
22/6/22