

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

TUESDAY, THE TWENTY SIXTH DAY OF JULY TWO THOUSAND AND TWENTY TWO

**:PRESENT:
THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR**

WRIT PETITION NO: 30443 OF 2022

Between:

1. Smt. Khaja Bee, W/o. Late MD. Ibrahim.
2. Sri Mohammed Ghousuddin, S/o. Late MD. Ibrahim.
3. Sri Mohammed Raheemuddin, S/o. Late MD. Ibrahim.
4. Sri Mohammed Riyaz Uddin, S/o. Late. MD. Ibrahim.

Petitioners

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 Petitioners above named through their 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, registering and releasing of the Gift deed presented by the petitioners in respect of the House No. 28-106 (PTIN No. 1151600559), land admeasuring 45.0 Sq.Yards or equivalent to 37.62 Sq.Mtrs, with plinth area of 405.0 Sft., of R.C.C, in Ground Floor, 405.0 Sft. of R.C.C., in First Floor, 405.0 Sft. of R.C.C., in Second Floor, thus the total plinth area is 1215 Sft., of R.C.C., (G plus 2), covered under Ward No.4, Block No.28, in Survey No.151, situated at Gandhi Nagar of Quthbullapur Village, Quthbullapur Mandal, under GHMC Circle, Medchal-Malkajgiri District, Telangana State, as the Sy.No. 151 where schedule property is situated is notified under 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, register and release the Gift deed presented by the petitioners in respect of House No. 28-106 (PTIN No. 1151600559), land admeasuring 45.0 Sq.Yards or equivalent to 37.62 Sq.Mtrs, with plinth area of 405.0 Sft., of R.C.C. in Ground Floor, 405.0 Sft. of R.C.C., in First Floor, 405.0 Sft. of R.C.C., in Second Floor, thus the total plinth area is 1215 Sft., of R.C.C., (Gplus2), covered under Ward No.4, Block

No.28, in Survey No.151, situated at Gandhi Nagar of Quthbullapur Village, Quthbullapur Mandal, under GI-MC Circle, Medchal-Malkajgiri District, Telangana State, without reference to the 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;

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 Petitioners and Asst. GP for Revenue who took notice on behalf of the Respondents, 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 08-09-2022 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, release the Gift deed presented by the petitioner in respect of House No. 28-106 (PTIN No. 1151600559), land admeasuring 45.0 Sq.Yards or equivalent to 37.62 Sq.Mtrs, with plinth area of 405.0 Sft., of R.C.C. in Ground Floor, 405.0 Sft. of R.C.C., in First Floor, 405.0 Sft. of R.C.C., in Second Floor, thus the total plinth area is 1215 Sft., of (G+2), covered under Ward No.4, Block No.28, in Survey No.151, situated at Gandhi Nagar of Quthbullapur fie. Quthbullapur Mandal, under GHMC Circle, Medchal-Malkajgiri District, Telangana State, without reference to the 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 & Tahasildar, Quthbullapur Mandal file No. B 583 2012 dt.17.02.2012, pending disposal of WP No. 30443 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.

Post on 08.09.2022.

This Court while dealing with similar issue in W.P.No.9645 of 2021, by order dated 28.04.2021 granted interim orders with a direction to the respondents therein to receive and process the documents.

In view of the above and for the reasons alike in the order dated 25.02.2021, subject to further consideration of the issue after 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 passed by this Court in various writ petitions, by way of interim order, the respondent - Registering Authority is directed to receive and process the subject 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 the 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/s for registration, the Registering Authority shall register and release the document/s presented by the petitioner. However, any such action shall abide the result of the writ petition. Further, the petitioner is directed not to resort to any further conveyance of the subject property without leave of this Court.

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

//TRUE COPY//

SD/- K. SHYLESHI
DEPUTY REGISTRAR

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. (1 to 5 by RPAD- along with a copy of petition and affidavit)
6. The Section Officer, Writ (non service) Section, High Court at Hyderabad.
7. One CC to SRI RAJAGOPALLAVAN TAYI Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court at Hyderabad. [OUT]
9. One spare copy

mvj

HIGH COURT

MSK,J

DATED:26/07/2022

Post on 08.09.2022

NOTICE BEFORE ADMISSION

WP.No.30443 of 2022

DIRECTION

