

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FIRST DAY OF AUGUST TWO THOUSAND AND TWENTY TWO

:PRESENT:
THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 31232 OF 2022

Between:

Pidakala Joji Babu, S/o. Pidakala Dhavidu.

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

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 petitioner in respect of the House No. 03-070/RB/1 (PTIN 1260504414) admeasuring 200.0 Sq.Yards or equivalent to 167.2 Sq.Mtrs with plinth area of 500 Sft., of ACC., in Survey No. 342, covered under Block No. 03 and Ward No. 05, situated at Rajanna Basthi, Kaiser Nagar, Gajularamaram Village, Quthbullapur Mandal, under GHMC Limits, Medchal-Malkajgiri District, Telangana State, notified under as prohibited property 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/ Gajularamaram 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 receiving , register and releasing the gift deed presented by the petitioner in respect of House No. 03-070/RB/1 (PTIN 1260504414) admeasuring 200.0 Sq.Yards or equivalent to 167.2 Sq.Mtrs with plinth area of 500 Sft., of ACC., in Survey No. 342, covered under Block No. 03 and Ward No. 05, situated at Rajanna Basthi, Kaiser Nagar, Gajularamaram Village, Quthbullapur Mandal, under GHMC Limits, 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/ Gajularamaram dt.25.09.2013 and Deputy Collector and Tahasildar, Quthbullapur Mandal file No.B/583/2012 dt.17.02.2012.

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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 receiving, registering and releasing the gift deed presented by the petitioner in respect of House No. 03- 070/RB/1 (PTIN 1260504414) admeasuring 200.0 Sq.Yards or equivalent to 167.2 Sq.Mtrs with plinth area of 500 Sft., of ACC., in Survey No. 342, covered under Block No. 03 and Ward No. 05, situated at Rajanna Basthi, Kaiser Nagar, Gajularamaram Village, Quthbullapur Mandal, under GHMC Limits, 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/ Gajularamaram dt.25.09.2013 and Deputy Collector and Tahasildar, Quthbullapur Mandalfile No.B/583/2012, dt.17.02.2012 pending disposal of WP 31232 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri RAJAGOPALLAVAN TAYI, Advocate for the Petitioner, GP FOR REVENUE for the Respondents, the Court made the following.

ORDER:

This Court while dealing with similar issue in W.P. No.26473 of 2022 granted interim orders on 22.06.2022 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 22.06.2022, 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 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 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 by the result of the writ petition. Further, the 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 17.10.2022.

//TRUE COPY//

SD/- K. SHYLESI
DEPUTY REGISTRAR 8

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)
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

AAR,J

DATED:01/08/2022

Post on 17.10.2022

ORDER

WP.No.31232 of 2022

DIRECTION

