

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE FIRST DAY OF SEPTEMBER TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 33874 OF 2022

Between:

Srigogikar Karan, S/o. Gogikar Mohan Lal

...Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
2. The District Registrar, Medchal - Malkajgiri District.
3. The Sub-Registrar, Qutubullapur, Medchal - Malkajgiri District.
4. The District Collector, Medchal - Malkajgiri District.
5. The Tahsildar, Qutubullapur Mandal, Qutubullapur, 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 action of the respondent No.3, Sub Registrar, Qutubullapur, Medchal Malkajgiri District in refusing to receive and register the document presented by the Petitioner in respect of the house bearing No.28-126 (PTIN No.1250315276), with plinth area of 2100 sq. ft of RCC land admeasuring 80 sq. yards, Ward No.5, Block No.28, situated in Sy.No. 49, Muthyala Bhashthi, Saibabanagar, Gajularamaram Village, Quthbullapur Mandal, Medchal - Malkajgiri basing on the prohibitory list under Sec. 22-A of the Registration as per the Ranga Reddy District Gazette Notification communicated by the Joint Collector, Ranga Reddy District vide File No. E5/4730/2013 dt. 25-09-2013, Qutubullapur, Nizampet and (ii) Deputy Collector and Tahsildar, Qutubullapur Mandal in File No.B/583/2012 dt. 17-02-2012 and (iii) Gazette Notification No. 134, dt. 10-03-2005 and G.O.Ms.No.292, Revenue (Registration-I) dt. 09-03-2005 communicated by the Commissioner and Inspector of General (R and S), Hyderabad vide File No. G1/4661/2005 dt. 02-07-2005 is illegal, arbitrary and violative of provisions of the Registration Act and violative of Principles of natural justice and consequently direct the respondent No.3 to receive, process, register and release the Gift deed/Documents in respect of house bearing No. 28-126 (PTIN No. 1250315276), with plinth area of 2100 sq. ft of RCC land admeasuring 80 sq. yards, Ward No.5, Block No.28, situated in Sy.No.49, Muthyala Bhashthi, Saibabanagar, Gajularamaram Village, Quthbullapur Mandal, Medchal - Malkajgiri.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondent No.3 to receive, process, register and release the Gift deed/Documents in respect of house bearing No. 28-126 [PTIN No. 1250315276], with plinth area of 2100 sq. ft of RCC land admeasuring 80 sq. yards, Ward No.5, Block No.28, situated in Sy.No.49, Muthyala Bhasthi, Saibabanagar, Gajularamaram Village, Quthbullapur Mandal, Medchal - Malkajgiri, pending disposal of WP.No.33874 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 M/s. B. SAMPATH KUMAR Advocate for the Petitioner and GP FOR REVENUE for the Respondents, the Court made the following.

ORDER:

This Court while dealing with similar issue in W.P. No.4236 of 2021 granted interim orders on 25.02.2021 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 25.02.2021, 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 the subject property, as reflected in the revenue records. If the deed of conveyance complies with all the requirements and there is no embargo in accepting the subject document for registration, the Registering Authority shall register and release the same. 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 29.11.2022.

SD/- G.SIREESHA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The District Registrar, Medchal - Malkajgiri District.

3. The Sub-Registrar, Qutubullapur, Medchal - Malkajgiri District.
4. The District Collector, Medchl - Malkajgiri District.
5. The Tahsildar, Qutubullapur Mandal, Qutubullapur, Medchal - Malkajgiri District (RR 1 to 5 by RPAD).
6. One CC to M/s. B. SAMPATH KUMAR, Advocate [OPUC].
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT].
8. The Section Officer, WP(Non-Service), High Court for the State of Telangana at Hyderabad.
9. One spare copy
ZEE

HIGH COURT

AARJ

DATED:01/09/2022

POST ON 29.11.2022

ORDER

WP.No.33874 of 2022

DIRECTION

