

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

TUESDAY ,THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 4041 OF 2022

Between:

Mohammed Ali Khan, S/o.Mohd.Mahboob Khan, Aged about 71 years,
Occ.Business, R/o.H.No.20-4-231/C, Khilwat, Hyderabad

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat Buildings, Hyderabad
2. The Commissioner and Inspector General Of Registration and Stamps, Telangana State
3. The Sub-Registrar, Golconda, Hyderabad
4. The Greater Hyderabad Municipal Corporation, Tank Bund, 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 Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent herein refusing to receive, register and release the Gift Deeds presented by the petitioner in respect of Ground Floor is an extent of 1482 Sq.ft together with undivided land of 83.33 Sq.yards out of an extent of 250 Sq.yards, First Floor is an extent of 1482 Sq.ft together with undivided land of 83.33 Sq.yards out of an extent of 250 Sq.yards and Second Floor is an extent of 1482 Sq.ft together with undivided land of 83.33 Sq.yards out of an extent of 250 Sq.yards constructed in Premises Bearing Municipal No.9-4- 110/3/13 situated at VIRASAT NAGAR COLONY, TOLI CHOWKI, Hyderabad on the ground that the proceeding No. G2/257/2019 dated 26/08/2020 issued by the 2nd respondent is wholly illegal, arbitrary and contrary to the provisions of the Registration Act and consequently direct the 3rd respondent herein to receive, register and release the Gift Deeds presented by the petitioner in respect of Ground Floor is an extent of 1482 Sq.ft together with undivided land of 83.33 Sq.yards out of an extent of 250 Sq.yards, First Floor is

an extent of 1482 Sq.ft together with undivided land of 83.33 Sq.yards out of an extent of 250 Sq.yards and Second Floor is an extent of 1482 Sq.ft together with undivided land of 83.33 Sq.yards out of an extent of 250 Sq.yards constructed in Premises Bearing Municipal No.9-4-110/3/13 situated at VIRASAT NAGAR COLONY, TOLI CHOWKI, Hyderabad.

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 3rd respondent herein to receive, register and release the Gift Deeds presented by the petitioner in respect of Ground Floor is an extent of 1482 Sq.ft together with undivided land of 83.33 Sq.yards out of an extent of 250 Sq.yards, First Floor is an extent of 1482 Sq.ft together with undivided land of 83.33 Sq.yards out of an extent of 250 Sq.yards and Second Floor is an extent of 1482 Sq.ft together with undivided land of 83.33 Sq.yards out of an extent of 250 Sq.yards constructed in Premises Bearing Municipal No.9-4-110/3/13 situated at VIRASAT NAGAR COLONY, TOLI CHOWKI, Hyderabad without referring to the Memo No. G2/257/2019 dated 26/08/2020 issued by the 2nd respondent herein pending disposal of Writ Petition.

Counsel for the Petitioner : SRI I. V. RADHAKRISHNA MURTHY

Counsel for the Respondent Nos.1 to 3: AGP FOR REVENUE

Counsel for the Respondent No.4: SRI N. ASHOK KUMAR, SC FOR GHMC

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.4041 of 2022

ORDER:

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, as such, this writ petition may be disposed of in terms thereof.

3. Therefore, 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:

(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 the writ petition shall stand closed.

//TRUE COPY//

Sd/- P.PADMANABHA REDDY
ASSISTANT REGISTRAR

SECTION OFFICER

To,
1. The Principal Secretary, Revenue (Stamps and Registration) Department,
State of Telangana, Secretariat Buildings, Hyderabad

Contd...

2. The Commissioner and Inspector General Of Registration and Stamps, Telangana State
3. The Sub-Registrar, Golconda, Hyderabad
4. The Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad
5. One CC to Sri I. V. Radhakrishna Murthy, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. One CC to Sri N. Ashok Kumar, SC for GHMC [OPUC]
8. Two CD Copies
9. One Spare Copy

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HIGH COURT

DATED:22/02/2022

ORDER

WP.No.4041 of 2022



DISPOSING OF THE WP
WITHOUT COSTS

11
15/03/2022