

**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 HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION NO: 5295 OF 2022

Between:

1. Waseem Khan, S/o Sardar Khan, Age 29, Occ. Business R/o H.no.9-11-359, Jinsi Bazar, Golconda Fort, Hyderabad, T.S.
2. Amer Khan, S/o Sher Khan, Age 29, Occ. Business R/o H.no.9-11-360/40/B, Naya Qila, Golconda Fort, Hyderabad, T.S.

...PETITIONERS

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, Registration and Stamps, Telangana State, Office at 5-3-953, Nizam Shahi Road, Mozamjahi Market, Herza Estate, Risala Abdullah, Jam Bagh, Hyderabad, Telangana.
3. The District Registrar, Revenue (Registration and Stamps) Department, Hyderabad District.
4. The Sub-Registrar, Golconda, Hyderabad, Telangana.

...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, Order or Direction, more particularly in the nature of Writ of Mandamus, to declare the action of the 1st to 4th respondent in refusing to receive, register and release the sale deeds presented by the petitioners in respect of Flat No.204 admeasuring 736.00 Sq. feets, of residential building "A.R. HEIGHTS" situated at Plot No. 24, on part of House bearing Municipal No. 9-11-185/81, admeasuring 395 Square Yards or 330.22 Square Meters Situated at Reti Galli, Golconda Fort, Hyderabad, Telangana on the ground of Memo No.G2/257/2019 dated: 26.08.2020 issued by the 2nd respondent, as illegal, arbitrary, unjust, unconstitutional, violation of principles of natural justice and also contrary to the provisions of Registration Act,1908, and set aside the same, and consequently direct the respondents 3 and 4 to register and release the documents presented by the petitioner in respect of subject plot without reference to the Memo No.G2/257/2019 dated: 26.08.2020 issued by the 2nd respondent.

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 pass orders directing the 4th respondent herein to receive, register and release the documents presented by the petitioners in respect to Flat No.204 admeasuring 736.00 Sq. feets, of residential building "A.R. HEIGHTS" situated at Plot No.24, on part of House bearing Municipal No.9-11-185/81, admeasuring 395 Square Yards or 330.22 Square Meters Situated at Reti Galli, Golconda Fort, Hyderabad, Telangana without reference to the Memo No.G2/257/2019 dated: 26.08.2020 issued by the 2nd respondent, pending disposal of the writ petition.

Counsel for the Petitioners: SRI. GULAM RABBANI

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.5295 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,

Nizan pet 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/-K.SAILESHI
ASSISTANT REGISTRAR

SECTION OFFICER

- To,
1. The Principal Secretary, Revenue (Stamps and Registration Department), State of Telangana, Secretariat Buildings, Hyderabad.
 2. The Commissioner and Inspector General, Registration and Stamps, Telengana State, Office at 5-3-953, Nizam Shahi Road, Mozamjahi Market, Herza Estate, Risala Abdullah, Jam Bagh, Hyderabad, Telangana.

3. The District Registrar, Revenue (Registration and Stamps) Department, Hyderabad District.
4. The Sub-Registrar, Golconda, Hyderabad, Telangana.
5. One CC to Sri Gulam Rabbani, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies
8. One Spare Copy

CHR

SB

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HIGH COURT

DATED:22/02/2022



ORDER

W.P.No.5295 of 2022

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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17/3/22
HVD