

**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: 3405 OF 2022

Between:

1. Sri Aakula Venkatesh, S/o Akula Narsimhulu, Aged about 44 years, Occ. Business, R/o H.No.6-118, Near Amba Temple, Achampet, Achampet, Mahaboobnagar- 509 375 Aadhar No. 3584 1714 2831.
2. Gopisetty Narsimha Rao, S/o Gopisetty Kondiaha, Aged about 69 years, Occ. Business, R/o 4-76, Post Office, Achampet, Achampet, Mahaboobnagar- 509 375. Aadhar No. 4983 0488 0462.

...PETITIONER(S)

AND

1. The State of Telangana, Rep., by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana, Hyderabad.
3. The Sub-Registrar, Achampet, Mahaboobnagar 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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent No. 3 in refusing to receive register and release the sale deed presented by the Petitioner No.1's Open Plot Nos. 1 to 151 in Sy.No. 219/RU, adm., Ac. 1.1300 Gts., in Sy.No. 219/RRU, adm., Ac. 1-1200 Gts., in Sy.No. 219/UU/1, adm., Ac. 0-27 Gts., total admeasuring Ac. 3-1200 Gts., and the Petitioner No.2's Open Plots in Sy.No. 219/EE, adm., Ac. 1-1300 Gts., in Sy.No. 219/UU/2, Adm., 0-2600 Gts., in Sy.No.219/UU, adm., Ac.1.1300 Gts., in Sy.No. 221/AA1/4, adm., Ac 0-2000 Gts., total admeasuring Ac. 3-3300 Gts., Situated at Achampet Village and Mandal, Nagarkurnool, Mahaboobnagar District, in pursuant to the MEMO No.

G2/257/2019, dated 26/08/2020, issued by the Office of the Respondent No.2, under Prohibition of registration of unauthorized plots and buildings against the Petitioners land, as arbitrary, illegal, without any jurisdiction contrary to the Provisions of the Registration Act 1908 and in violation of Article 14 of Constitution of India and consequently direct the Respondents No.3 herein to receive register and release the sale deed presented by the Petitioners in respect of their land, without reference to letter MEMO No. G2/257/2019, dated. 26/08/2020, issued by the Office of the Respondent No.2.

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 register and release the Sale Deed/s Presented by the Petitioner No.1s Open Plot Nos. 1 to 151 in Sy.No. 219/RU, adm., Ac. 1.1300 Gts., in Sy.No. 219/RRU, adm., Ac. 1-1200 Gts., in Sy.No. 219/UU/1, adm., Ac. 0-27 Gts., total admeasuring Ac. 3-1200 Gts., and the Petitioner No.2's Open Plots in Sy.No. 219/EE, adm., Ac. 1-1300 Gts., in Sy.No. 219/UU/2, Adm., 0-2600 Gts., in Sy.No. 219/UU, adm., Ac.1.1300 Gts., in Sy.No. 221/AA1/4, adm., Ac 0-2000 Gts., total admeasuring Ac. 3-3300 Gts., Situated at Achampet Village and Mandal, Nagarkurnool, Mahaboobnagar District, without reference to Letter MEMO No. G2/257/2019, dated. 26/08/2020, issued by the Office of the Respondent No.2, pending disposal, of the above Writ Petition.

Counsel for the Petitioner(s): SRI PRAKASHCHAKRAVARTHY

Counsel for the Respondents: GP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.3405 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/-I.NAGALAKSHMI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana Secretariat, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Telangana, Hyderabad.

3. The Sub-Registrar, Achampet, Mahaboobnagar District.
4. One CC to SRI PRAKASHCHAKRAVARTHY Advocate [OPUC]
5. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies.
7. One spare copy.

NPJ

SW

[Handwritten signature]

HIGH COURT

DATED:22/02/2022



ORDER

WP.No.3405 of 2022

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

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7/3/22
Hvt