

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

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 6790 OF 2022

Between:

1. BURUGUPALLI SATYANARAYANA, S/o B.Subba Rao, A/a 72 years, Occ.Agriculture
2. Smt. Burugupalli Leela, W/o Satyanaryana, A/a 68 years, Occ.House Wife,
Both R/o Flat No.106, Indralok Avenue, Main Road, Thanuku, West Godavari District, Andhra pradesh State.
Rep. By their ASGPA Holder, M/s SR Builders, Rep. By its Partner, Sri. P.V.Subba Reddy, S/o Late Chenchi Reddy, a/a 56 years, Occ. Business, R/o Flat No.401, Comfort Enclave, Madhavinagar Society, Jayanagar, Kukatpally, Hyderabad, Telangana State-72.

...PETITIONER(S)

AND

1. The State of Telangana, Rep. by its Principal Secretary, Stamps and Registration Department, Secretariat, Hyderabad, Telangana State-500 004.
2. The Commissioner and Inspector, General of Registration and Stamps, Telangana State.
3. The Sub-Registrar, Quthubullapur, Medchal-Malkajgiri District, Telangana State.
4. The Nizampet Municipal Corporation, Rep.by its Commissioner, Bachupally 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 a Writ of Mandamus or any other appropriate Writ, Order or direction particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in not receiving, registering and releasing the petitioner sale deeds in respect of semi-finished Flat No.302 and 303 (in Third Floor), Flat

No.401, 402, and 403 (in Fourth Floor), of SR Avenue, constructed on Plot No.24, 25 and 26, Total Admeasuring 833.33 Sq.yds., in Sy.No.233/10 and 233/11, Situated at Nizampet Village, Under Nizampet Municipal Corporation, Bachupally Mandal, Medchal-Malkajgiri District, Telangana State, on the basis of Memo No.G2/257/2019 dt.26.08.2020 issued by the 2nd respondent, and Letter No.45/TP/NMC/2019 dated 01.11.2019 issued by the 4th respondent, as illegal, unjust and arbitrary, consequently Direct the 3rd respondent to receive, register and release the Sale Deeds presented by the petitioner in respect of semi-finished Flat No.302 and 303 (in Third Floor), Flat No.401, 402, and 403 (in Fourth Floor), of SR Avenue, constructed on Plot No.24, 25 and 26, Total Admeasuring 833.33 Sq.yds., in Sy.No.233/10 and 233/11, Situated at Nizampet Village, Under Nizampet Municipal Corporation, Bachupally Mandal, Medchal-Malkajgiri District, Telangana State, without reference to the Memo No.G2/257/2019 dt.26.08.2020 issued by the 2nd respondent, and Letter No.45/TP/NMC/2019 dt.01.11.2019 issued by the 4th respondent, as directed in W.P.No.9248/2021, in the interest of justice.

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 3rd respondent to receive, register and release the Sale Deed presented by the petitioner in respect of semi-finished Flat No.302 and 303 (in Third Floor), Flat No.401, 402, and 403 (in Fourth Floor), of SR Avenue, constructed on Plot No.24, 25 and 26, Total Admeasuring 833.33 Sq.yds., in Sy.No.233/10 and 233/11, Situated at Nizampet Village, Under Nizampet Municipal Corporation Bachupally Mandal, Medchal-Malkajgiri District, Telangana

State, without reference to the Memo No.G2/257/2019 dt.26.08.2020 issued by the 2nd respondent, and Letter No.45/TP/NMC/2019 dt.01.11.2019 issued by the 4th respondent, as directed in W.P.No.9248/2021, pending disposal of the writ petition, in the interest of justice.

Counsel for the Petitioner(s): SRI P. VENKANNA

Counsel for the Respondent Nos. 1 to 3: GP FOR STAMPS & REGISTRATION

**Counsel for the Respondent No. 4: SRI N. PRAVEEN KUMAR,
SC FOR MUNICIPALITIES**

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No. 6790 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 references 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 these writ petitions stand closed.

SD/-K.ONESIM
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Stamps and Registration Department, State of Telangana, Secretariat, Hyderabad, Telangana State-500 004.
2. The Commissioner and Inspector, General of Registration and Stamps, Telangana State.

3. The Sub-Registrar, Quthubullapur, Medchal-Malkajgiri District, Telangana State.
4. The Nizampet Municipal Corporation, Rep.by its Commissioner, Bachupally Mandal, Medchal-Malkajgiri District.
5. One CC to SRI P. VENKANNA Advocate [OPUC]
6. One CC to SRI N. PRAVEEN KUMAR, SC FOR MUNICIPALITIES [OPUC]
7. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies.
9. One spare copy.

NPJ

HIGH COURT

DATED:23/02/2022

ORDER

WP.No.6790 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

11
Writ
403/2022