

**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: 7553 OF 2022

Between:

Mr. Mohsin Ahmed, S/o Abdul Hameed Khan Aged about 44 years, Occ.. Business, R/o H.No.12-2-725/38, 05th Floor, Pillar No.45, Beside Polis Jeans Showroom, P and T Colony, Rethi Bowli, Mehadipatnam, Hyderabad-500 028.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Registration and Stamps Departments, Secretariat, BRKR Bhavan, Hyderabad, T.S.
2. The Commissioner and Inspector, General, Registration and Stamps Dept, Hyderabad, T.S.
3. The District Registrar, Ranga Reddy District. At Prashanth Nagar, Moosapet, Hyderabad.
4. The Sub-Registrar, Shadnagar, Ranga Reddy District, T.S. At Shadnagar, R.R.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 order, writ or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 4th Respondent in refusing to receive, register and release the sale deed presented by the petitioner in respect of the Open Plot No.1 admeasuring 201 Sq. Yards, Open Plot No.4/B admeasuring 125 Sq. Yards, Open Plot No.6/B admeasuring 150 Sq. Yards, Open Plot No.7/A admeasuring 100 Sq.Yards, Open Plot No.7/B admeasuring 60 Sq.Yards, Open Plot No.8 admeasuring 223 Sq.Yards, Open Plot No.9 admeasuring 70 Sq.Yards, Open Plot No.10/B admeasuring 114 Sq.Yards, Open Plot No.11/A admeasuring 100 Sq.Yards, Open Plot No.11/B admeasuring 100 Sq.Yards, Open Plot No.12/A admeasuring 198 Sq.Yards, Open Plot No.13 admeasuring 382 Sq.Yards, Open Plot No.30/B admeasuring 200 Sq.Yards, Open Plot No.31 admeasuring 200 Sq.Yards, Open Plot No.32/C admeasuring 101Sq.Yards, Open Plot No.41/B admeasuring 120 Sq.Yards, Open Plot No.44/C admeasuring 80 Sq.Yards, Open Plot No.54 admeasuring 190 Sq.Yards, Open Plot No.55 admeasuring 150 Sq.Yards, Open Plot No.56 admeasuring 51

Sq.Yards, Open Plot No.57/a1 admeasuring 50 Sq.Yards, Open Plot No.57/a2 admeasuring 50 Sq.Yards, Open Plot No.65/B admeasuring 100 Sq.Yards, Open Plot No.85 admeasuring 200 Sq.Yards, Open Plot No.86 admeasuring 200 Sq.Yards, Open Plot No.87 admeasuring 222 Sq.Yards, Open Plot No.89 admeasuring 200 Sq.Yards, Open Plot No.90/A admeasuring 100 Sq.Yards, Open Plot No.90/B admeasuring 100 Sq.Yards, Open Plot No.91 admeasuring 400 Sq.Yards, Open Plot No.92/A admeasuring 175 Sq.Yards, Open Plot No.92/B admeasuring 150 Sq.Yards, Open Plot No.93/A admeasuring 175 Sq.Yards, Open Plot No.93/B and Open Plot No.93/C admeasuring 322 Sq.Yards, Open Plot No.94 admeasuring 139 Sq.Yards, Open Plot No.95 admeasuring 105 Sq.Yards, Open Plot No.96 admeasuring 200 Sq.Yards, Open Plot No.97/A admeasuring 150 Sq.Yards, Open Plot No.97/B admeasuring 100 Sq.Yards, Open Plot No.97/C admeasuring 48 Sq.Yards, Open Plot No.98/A admeasuring 165 Sq.Yards, Open Plot No.98/B admeasuring 200 Sq.Yards, Open Plot No.99/A admeasuring 150 Sq.Yards, Open Plot No.99/B admeasuring 150 Sq.Yards, Open Plot No.99/C admeasuring 200 Sq.Yards, Open Plot No.99/D admeasuring 117 Sq.Yards, Open Plot No.102/C admeasuring 82 Sq.Yards, Open Plot No.103/A admeasuring 104 Sq.Yards, Open Plot No.103/B admeasuring 100 Sq.Yards, Open Plot No.104/A admeasuring 100 Sq.Yards, Open Plot No.104/B admeasuring 74 Sq.Yards, Open Plot No.109/C admeasuring 50 Sq.Yards, Open Plot No.112 admeasuring 200 Sq.Yards, Open Plot No.113/A admeasuring 175 Sq.Yards, Open Plot No.113/B admeasuring 125 Sq.Yards, Open Plot No.113/C admeasuring 115 Sq.Yards, Open Plot No.114 admeasuring 103 Sq.Yards, Open Plot No.123/B admeasuring 83 Sq.Yards, Open Plot No.130 admeasuring 139 Sq.Yards, Open Plot No.134 admeasuring 252 Sq.Yards, Open Plot No.135 admeasuring 100 Sq.Yards, Open Plot No.136/C admeasuring 148 Sq.Yards, Open Plot No.140/A admeasuring 100 Sq.Yards, Open Plot No.140/B admeasuring 100 Sq.Yards, Open Plot No.142/A admeasuring 122 Sq.Yards, Open Plot No.145 admeasuring 200 Sq.Yards and Open Plot No.146 admeasuring 251 Sq.Yards in Sy. No.391, 388, 383, 384, 384, 384, 384/A, 386/RU, 388, 391 and 388/situated at Gudur Village and Grampanchayat, Kothur Mandal, R.R.District (earlier Mahabubnagar District) on grounds of the memo No.G2/257/2019, Dt.26-08-2020 issued by the 2nd Respondent for being illegal arbitrary, without jurisdiction and contrary to the

provision of the Registration Act 1908 and in violation of Article 14 of the Constitution of India, and consequently set-aside the Memo No.G2/257/2019, Dt.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 direct to the 4th Respondent to receive, register and release the sale deed by the petitioner in respect of the Open Plot No.1 admeasuring 201 Sq. Yards, Open Plot No.4/B admeasuring 125 Sq. Yards, Open Plot No.6/B admeasuring 150 Sq. Yards, Open Plot No.7/A admeasuring 100 Sq.Yards, Open Plot No.7/B admeasuring 60 Sq.Yards, Open Plot No.82 admeasuring 223 Sq.Yards, Open Plot No.9 admeasuring 70 Sq.Yards, Open Plot No.10/B admeasuring 114 Sq.Yards, Open Plot No.11/A admeasuring 100 Sq.Yards, Open Plot No.11/B admeasuring 100 Sq.Yards, Open Plot No.12/A admeasuring 198 Sq.Yards, Open Plot No.13 admeasuring 382 Sq.Yards, Open Plot No.30/B admeasuring 200 Sq.Yards, Open Plot No.31 admeasuring 200 Sq.Yards, Open Plot No.32/C admeasuring 101Sq.Yards, Open Plot No.41/B admeasuring 120 Sq.Yards, Open Plot No.44/C admeasuring 80 Sq.Yards, Open Plot No.54 admeasuring 190 Sq.Yards, Open Plot No.55 admeasuring 150 Sq.Yards, Open Plot No.56 admeasuring 51 Sq.Yards, Open Plot No.57/a1 admeasuring 50 Sq.Yards, Open Plot No.57/a2 admeasuring 50 Sq.Yards, Open Plot No.65/B admeasuring 100 Sq.Yards, Open Plot No.85 admeasuring 200 Sq.Yards, Open Plot No.86 admeasuring 200 Sq.Yards, Open Plot No.87 admeasuring 222 Sq.Yards, Open Plot No.89 admeasuring 200 Sq.Yards, Open Plot No.90/A admeasuring 100 Sq.Yards, Open Plot No.90/B admeasuring 100 Sq.Yards, Open Plot No.91 admeasuring 400 Sq.Yards, Open Plot No.92/A admeasuring 175 Sq.Yards, Open Plot No.92/B admeasuring 150 Sq.Yards, Open Plot No.93/A admeasuring 175 Sq.Yards, Open Plot No.93/B and Open Plot No.93/C admeasuring 322 Sq.Yards, Open Plot No.94 admeasuring 139 Sq.Yards, Open Plot No.95 admeasuring 105 Sq.Yards, Open Plot No.96 admeasuring 200 Sq.Yards, Open Plot No.97/A admeasuring 150 Sq.Yards, Open Plot No.97/B admeasuring 100 Sq.Yards, Open Plot No.97/C admeasuring 48 Sq.Yards, Open Plot No.98/A admeasuring 165 Sq.Yards, Open Plot No.98/B admeasuring 200 Sq.Yards, Open Plot No.99/A admeasuring 150 Sq.Yards, Open Plot No.99/B admeasuring

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Counsel for the Petitioner: SRI. PRAVEEN VYAPARI

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.7553 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 Dt.18.02.2022 in W.P.No.328 of 2022 and batch as modified by the Order Dt.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.

The miscellaneous petitions pending, if any, shall stand closed.

There shall be no order as to costs.

SD/-K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Registration and Stamps Departments, State of Telangana, Secretariat, BRKR Bhavan, Hyderabad, T.S.
2. The Commissioner and Inspector, General, Registration and Stamps Dept, Hyderabad, T.S.
3. The District Registrar, Ranga Reddy District At Prashanth Nagar, Moosapet, Hyderabad.
4. The Sub-Registrar, Shadnagar, Ranga Reddy District, T.S. At Shadnagar, R.R.District.
5. One CC to Sri Praveen Vyapari, 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
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4/1/21

HIGH COURT

DATED:23/02/2022

ORDER

W.P.No.7553 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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21/3/22
Hvd