

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

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION NO: 8682 OF 2022

Between:

1. Smt. Nethala Venkata Bhargavi, W/o Sri. Tadi Kiran Kumar Aged about 41 Yrs, Occ. Employee R/o H .No.5-1-114, Kothapeta Gannavaram, Krishna District (A.P.)
2. Sri. Nethala Veera Venakata Durga Srinivas Rao, S/o Sri Nethala Nagabhushanam, Aged 38 Yrs Occ. Employee, R/o Flat No. 102, Thirumala Enclave Sri Nagar Colony, Davagi Gudem Road, Gannavaram Krishna District (A.P.)

...PETITIONERS

AND

1. The State of Telangana, Represented by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
2. The Commissioner and Inspector, General Of Stamps and Registrations, Telangana State.
3. The District Registrar, Hyderabad.
4. The Sub- Registrar SRO, Kukatpally, 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 an appropriate writ, order or direction, more particularly in the nature of Writ of Mandamus declaring the action of the Respondent No.4 in not receiving and register the Sale Deed dated 09/02/2022 presented by the Petitioner /Vendee in respect of the Residential Flat No. 402, IVth Floor, of NAGA ELITE with a built area of 1120 Sq.Ft (including common areas) and 80 Sq.Ft of Car-Parking along with undivided share of land admeasuring 25.00 Sq. Yards, (Out of total land 266.66 Square Yards), constructed on Plot No. 60 HIG, in Sy.Nos, 912P, 913P, 941P, 944P, 945 to 962, 964P, Ssituated at Phase-XV, KPHB Colony, Kukatpally Kukatpally Mandal, Medchal-Malkajgiri District, T.S. and declare the same as illegal, arbitrary, without application of mind and contrary to the provisions of Stamps and Registration Act and without jurisdiction as well as the violation of the fundamental rights guaranteed under the Constitution of India. and consequently

direct the respondent No.4 to receive and register the Petitioners Sale Deed dt 09.02.2022 in favor of the petitioner for the above said Flat/Apartment

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.4 to Receive, Register and Release the Sale Deed dt 09.02.2022 in respect of Residential Flat No. 402, IVth Floor, of NAGA ELITE with a built area of 1120 Sq.Ft (including common areas) and 80 Sq.Ft of Car Parking along with undivided share of land admeasuring 25.00 Sq. Yards, (Out of total land 266.66 Square Yards), constructed on Plot No. 60 HIG, in Sy.Nos, 912P, 913P, 941P, 944P, 945 to 962, 964P, Ssituated at Phase-XV, KPHB Colony, Kukatpally Village, GHMC, Kukatpally Mandal, Medchal-Malkajgiri District, T.S. in favor of the petitioner pending disposal of writ petition

Counsel for the Petitioner: SRI K. NAGENDRA PRASAD

Counsel for Respondents: AGP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.8682 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 this writ petition shall stand closed.

SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

- To,
1. The Principal Secretary, Revenue Department, State of Telangana Secretariat Buildings, Hyderabad.
 2. The Commissioner and Inspector, General Of Stamps and Registrations, Telangana State.

3. The District Registrar, Hyderabad.
4. The Sub- Registrar SRO, Kukatpally, Hyderabad.
5. One CC to Sri K Nagendra Prasad Advocate [OPUC]
6. Two CCs to GP For Revenue, High Court for the State of Telangana. [OUT]
7. Two CD Copies
8. One Spare Copy

MBC

See

HIGH COURT

DATED: 25/03/2022



ORDER

WP.No.8682 of 2022

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

10
25/3/2022
26/03/2022