

**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: 8739 OF 2022

Between:

Mohammed Anwar, S/o Late Mohammed Moulana, Aged about 49 years,
Occ, Agriculture, R/o H.No.4-36/C, B C Colony, Bhootpur Village and Mandal,
Mahabubnagar District Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep., by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Commissioner and Inspector General Registration and Stamps, Telangana, Hyderabad.
3. The Sub-Registrar, Jadcherla, Mahabubnagar 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 any Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondent No.3 not receiving, registering and releasing the documents in favour of the prospective purchasers produced by the Petitioner, basing on the Memo issued by the Respondent No.2 vide No.G2/257/2019 dated 26-08-2020, and Amended Memo No.G2/257/2019 dated 29-12-2020, for unapproved Plots bearing Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14) 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 57, 58, 59, 60 (Total 45 Plots) in Sy.No.140/1, situated at Pothulamadugu Village, Bhootpur Mandal, Mahabubnagar District, Telangana State, inspite of Order dated 23-08-2021 passed by this Hon'ble Court in WP.No.9248/2021 is illegal, arbitrary and violation of articles 14, 21 and 300-A of Constitution of India also against the principles of natural justice and consequently direct the Respondent No.3 to receive, register and release the Document in favour of the prospective purchasers produced by the Petitioner for the unapproved Plots bearing Nos.1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14) 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 57, 58, 59, 60 (Total 45 Plots) in Sy.No.140/1, situated at Pothulamadugu Village, Bhootpur Mandal, Mahabubnagar District, Telangana State, without reference to the Memo issued

by the Respondent No.2 vide No.G2/257/2019 dated 26-08-2020, and Amended Memo No.G2/257/2019 dated 29-12-2020.

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 Document in favour of the prospective purchasers produced by the Petitioner for the unapproved Plots bearing Nos.1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14) 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 36, 37, 38, 39, 40 ,41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 57, 58, 59, 60 (Total 45 Plots) in Sy.No.140/1, situated at Pothulamadugu Village, Bhootpur Mandal, Mahabubnagar District, Telangana State, without reference to the Memo issued by the Respondent No.2 vide No.G2/257/2019 dated 26-08-2020, and Amended Memo No.G2/257/2019 dated 29-12-2020, pending disposal of main Writ Petition.

Counsel for the Petitioner : SRI D. L. PANDU

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.8739 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.

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, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner and Inspector General Registration and Stamps, Telangana, Hyderabad.
3. The Sub-Registrar, Jadcherla, Mahabubnagar District
4. One CC to Sri D. L. Pandu Advocate [OPUC]
5. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies
7. One Spare Copy

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BS

HV

HIGH COURT

DATED:23/02/2022

ORDER

WP.No.8739 of 2022



DISPOSING OF THE WP
WITHOUT COSTS

9
16/3/22
HVA