

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: 9208 OF 2022

Between:

1. M/s. ESTEEM DEVELOPERS, Rep., by its Managing Partner, Dayam Venkat Reddy, S/o. Late Bhagavan Reddy, Aged about. 57 years, H.No. 11-13-1371/403, Dwaraka Nagar, Astalakshmi Temple Road, Kothapet, Saroornagar, Rangareddy District, TS.

...Petitioner

AND

1. The State of Telangana, Rep., by its Principal Secretary, Registration and Stamps Department, Secretariat, BRKR Bhavan, Hyderabad, TS.
2. The Sub-Registrar, Champapet, Rangareddy District, TS.
3. The Commissioner and Inspector General, Registration and Stamps, Hyderabad, TS.

...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 2nd respondent in refusing to receive, register and release the sale deed presented by the petitioner in respect of **open plot No. 385, in Sy.No. 90, admeasuring of 180Sq.yards**, known and called as "GOLDEN HEIGHTS" situated at Balapur Village, Balapur Revenue Mandal, Under Badangpet Municipality, Ranga Reddy District, on the grounds of Memo No.G2/257/2019, dated.26/08/2020 issued by the 3rd 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 dated 26/08/2020 issued by the 3rd 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 the 2nd respondent to receive, register and release the sale deed presented by petitioner, in respect of Plot No. 385, in Sy.No. 90, admeasuring of 180 Sq.yards, known and called as GOLDEN HEIGHTS, situated at Balapur Village, Revenue Balapur Mandal under Badangpet Municipality, Ranga Reddy District, without reference to Memo No.G2/257/2019, dated. 26/08/2020 issued by the 3rd respondent, pending disposal of the main Writ Petition, in the interest of justice.

Counsel for the Petitioner : SRI. PALLE NAGESWAR RAO

Counsel for the Respondents : AGP FOR REVENUE

The Court made the following : ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.9208 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, Registration and Stamps Department, Secretariat, BRKR Bhavan, State of Telangana ,Hyderabad, TS.
2. The Sub-Registrar, Champapet, Rangareddy District, TS.
3. The Commissioner and Inspector General, Registration and Stamps, Hyderabad, TS
4. One CC to SRI PALLE NAGESWAR RAO, Advocate [OPUC]
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad.[OUT]
6. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies
8. One Spare Copy

SB

HIGH COURT

BVR,J

DATED:23/02/2022

ORDER

WP.No.9208 of 2022



**Disposing of the Writ Petition
Without Costs.**

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[Signature]
14/03/2022