

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

**THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 2326 OF 2022

Between:

Syed Afaq Hussain, S/o.Syed Ishtiaq Hussain, Aged about 35 years,
Occ.Business, R/o.H.No. 8-1-523/87, Brindavan Colony, Tolichowki,
Hyderabad

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat Buildings, Hyderabad
2. The Commissioner and Inspector General Of Registration and Stamps, Telangana State
3. The Sub-Registrar, Banjara Hills, Hyderabad
4. The Greater Hyderabad Municipal Corporation, Tank Bund, 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 Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent herein refusing to receive, register and release the sale deeds presented by the petitioner in respect of Flat No.502 5th floor of Azeem Residency with a built up area of 900 sq.ft along with undivided share of 20 sq.yards situated at Brindavan, Shaikpet, Hyderabad on the ground that the proceeding No. G2/257/2019 dated 26-08-2020 issued by the 2nd respondent is wholly illegal, arbitrary and contrary to the provisions of the Registration Act and consequently direct the 3rd respondent herein to receive, register and release the sale deeds presented by the petitioner herein in respect of Flat No.502 5th floor of Azeem Residency with a built up area of 900 sq.ft along

with undivided share of 20 sq.yards situated at Brindavan, Shaikpet, Hyderabad District.

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 3rd respondent herein to receive, register and release the sale deed presented by the petitioner herein in respect of Flat No.502 5th floor of Azeem Residency with a built up area of 900 sq.ft along with undivided share of 20 sq.yards situated at Brindavan, Shaikpe , Hyderabad District without referring to the Memo No: G2/257/2019 dated 16-08-2020 pending disposal of Writ Petition and pass

Counsel for the Petitioner:SRI. I.V.RADHAKRISHNA MURTHY

Counsel for the Respondent No's. 1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: SRI. N.ASHOK KUMAR (SC FOR GHMC),

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No. 2326 OF 2022

ORDER (ORAL) :

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, and therefore, keeping the matter pending will not serve any purpose, as such, the same may be disposed of in terms thereof.

3. This Court passed interim order in this writ petition directing the respondents to receive, process, register and release the subject document/s. However, conditions were imposed that (a) the petitioner/s is/are not permitted to withdraw the writ petition and (b) registration shall be subject to final result of the writ petition.

4. In view of the above, recording the aforesaid submission of the learned counsel on either side, 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:

(A) If the subject document/s has/have already been registered and released pursuant to the interim order;

(i) the document/s registered by the Sub-Registrar shall be subject to outcome of SLP (Civil) No.19695 of 2021 filed by the State Government before the Hon'ble Supreme Court; and

(ii) 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 in the encumbrance record, website etc.

(B) If the subject document/s is/are not yet registered and released pursuant to the interim order;

(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 stand closed.

//TRUE COPY//

SD/- V.KAVITHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration) Department, State of Telangana, Secretariat Buildings, Hyderabad
2. The Commissioner and Inspector General Of Registration and Stamps, Telangana State
3. The Sub-Registrar, Banjara Hills, Hyderabad
4. The Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad
5. One CC to SRI. J.V.RADHAKRISHNA MURTHY Advocate [OPUC]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, [OUT]
7. One CC to SRI. N.ASHOK KUMAR (SC FOR GHMC), Advocate [OPUC]
8. Two CD Copies.
9. One Spare Copy.

GB



HIGH COURT

DATED:03/03/2022



ORDER

WP.No.2326 of 2022

DISPOSING OF THE WP
WITHOUT COSTS

11
23/5/22
7/24