

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

**MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE M.LAXMAN

WRIT PETITION NO: 19791 OF 2022

Between:

Syed Waheeduddin, S/o Syed Moinuddin, Age about 58 Years, Occ. Business,
R/o H. No. 9-4-51/38/3, Hakeempet, Tolichowki, Hyderabad - 500008, Telangana
State.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue
(Registration and Stamps) Department, Secretariat Building, Hyderabad.
2. The Commissioner and Inspector General, of Registration and Stamps,
Mouzam Jahi Market, Telangana State at Hyderabad.
3. The Sub Registrar, Jedcharla, Mahaboobnagar 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 a writ, Order or Direction, more particularly, one in the nature of Writ of Mandamus, by declaring the action of the 3rd respondent in refusing to receive, register and release the sale deed presented by the petitioner in respect of land bearing Plot No.1, 1/1, 2, 3, 4, 4/1, 5, 6, 7, 8, 9,10, 11, 12, 13, 14, 15, 16, 17 and 18 in the layout in Sy. No. 5/A/E, admeasuring Ac 1.00 gts, situated at Pothulamadugu Village, Bhootpur Mandal, Mahabubnagar District, Telangana State, on the basis of Memo No.G2/257/2019, dt.26-08-2020 as illegal, arbitrary, unlawful, without jurisdiction and contrary to the provisions of the Registration Act. 1908 and in violation of Article 14 of Constitution of India and consequently direct the 3rd respondent to receive, register and release the sale deed presented by the petitioner in respect of above said property, notwithstanding the Memo No.G2/257/2019, dated 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 the 3rd respondent to receive, register and release the sale deed presented by the petitioner in respect of land bearing Plot No.1, 1/1, 2, 3, 4, 4/1, 5, 6, 7, 8, 9,10, 11, 12, 13, 14, 15, 16, 17 and 18 in the layout in Sy. No. 5/A/E, admeasuring Ac 1.00 gts, situated at Pothulamadugu Village, Bhootpur Mandal, Mahabubnagar District, Telangana State, without reference to Memo No.G2/257/2019, dated 26/08/2020, pending disposal of the above writ petition and may pass

Counsel for the Petitioner(s):SRI. MOHAMMED SIRAJUDDIN QURESHI

Counsel for the Respondents: GP FOR STAMPS AND REGISTRATION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE M.LAXMAN

WRIT PETITION No.19791 of 2022

ORDER:

Heard both sides and perused the material on record.

2. The grievance of the petitioner is that he purchased the subject property admeasuring Ac.1.20 guntas, situated at Pothulamadugu Village, Bhootpur Mandal, Mahabubnagar District, from its lawful owners and pattadars for valid sale consideration by virtue of registered sale deed bearing Doc.No.11918 of 2017, dated 16.12.2017. Since the date of purchase, he is in peaceful possession and enjoyment of the same. Due to some personal financial necessities the petitioner intends to dispose of the above plots and approached respondent No.3 for registration of the subject document. But, respondent No.3 refused to receive the document on the basis of Memo No.G2/257/2019, dated 26.08.2020, issued by respondent No.2.

3. Both the counsel on either side stated that the issue involved in this writ petition is squarely covered by the order, dated 22.02.2022 passed by this Court in W.P.No.3625 of 2022.

4. Therefore, following the said order, dated 22.02.2022, in W.P.No.3623 of 2022 and the reasons stated therein, this Writ Petition is also disposed of in terms thereof with the following directions:-

(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, Nizam's 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.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

SD/-M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Registration and Stamps) Department, State of Telangana, Secretariat Building, Hyderabad.
2. The Commissioner and Inspector General, Of Registration and Stamps, Mouzam Jahi Market, Telangana State at Hyderabad.
3. The Sub Registrar, Jedcharla, Mahaboobnagar District.
4. One CC to SRI. MOHAMMED SIRAJUDDIN QURESHI Advocate [OPUC]
5. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana. [OUT]
6. Two CD copies
7. One Spare copy

VAK

MMA

JH

HIGH COURT

DATED:25/04/2022



ORDER

WP.No.19791 of 2022

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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31/5/22
H/H