

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: W.P.No.451 of 2021

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
	26.08.2025	<u>JAK, J</u> This writ petition is filed by the following prayer. <i>“....to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in not releasing the sale deed which is kept pending registration vide document No. P/1732/2019, dated 01.11.2019 as presented by the petitioner in respect in respect of the plot bearing No.39 in Sy.No.11/8 to 11/11, at Khanamet village, Serilingampally Mandal, under GHMC Serilingampally Circle, Ranga Reddy District, by insisting upon the petitioner to produce the NOC from the Urban Land Ceiling Authority, as illegal, unlawful, contrary to law and - consequently direct the 4th respondent to release the pending sale deed in respect of the above plot without insisting NOC from the Urban Land Ceiling Authority, and pass....”</i> It is brought to the notice of this Court that by interim order dated 19.01.2021 in I.A.No.1 of 2021, this Court passed the following order: “Heard learned counsel for the petitioner, learned Assistant Government Pleader for Revenue appearing on behalf of respondents. Perused the record. It is submitted by learned counsel for the petitioner that the petitioner paid requisite stamp duty and registration fee and also complied with the required formalities to register the document in full form, but the same was kept pending registration by the 4th respondent. Having regard to the orders passed by the Hon'ble Supreme Court in Civil Appeal No.4019 of 2018 (Special Leave Petition(c) No.15009 of 2016), there shall be interim direction to the respondents	

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		as under: to process, register and release the pending document No.P/173212019, dated 01.11.2019 submitted by the petitioner in respect of the subject property and register the same, as per the provisions of the Indian Stamps and Registration Act and the Rules made thereunder, and the same is not prohibited by any order of injunction passed by any Civil Court of competent authority. However, it is made clear that this registration shall be treated as a provisional registration, which shall be subject to the further orders likely to be passed in the writ petition. It is stated by learned Assistant Government Pleader for Revenue that in respect of the very same land, a case is pending before the Hon'ble Supreme Court vide Civil (Appeal) No.9034 of 2018. In view of the same, the petitioner shall not claim equities, in the event the Civil (Appeal) No.9034 of 2018 is decided in favour of the Government.” Petitioner claims to be the owner of plot bearing No.39, in Survey Nos.11/8, 11/9, 11/10 & 11/11 Part of Survey No.11, admeasuring 417.00 Square Yards of equivalent to 348.65 Square meters, situated at “Khanamet Village”, Serilingampally Mandal by virtue of registered sale deed document bearing No.7492/1982 dated 23.09.1982. Petitioner intended to alienate the said property by sale deed dated 01.11.2019, sale deed was presented to Sub-Registrar, Sub-Registrar sought for a NOC from the concerned authority on the ground that the property is a part of urban land ceiling. No document except copy of sale deed presented, copy of sale deed of 1982 and an order of this Court, in what is said to be a similar matter, except for these	

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		documents, no document of Sub-Registrar seeking NOC is placed on record. It is only on the basis of an order passed in a similar matter, the writ petitioner is seeking a similar order. The Apex Court in <i>Shiv Shankar Dal Mills and Others v. State Of Haryana and Others</i> (reported in AIR 1980 SC 1037) held as follows: “Article 226 grants an extra-ordinary remedy which is essentially discretionary, although founded on legal injury. It is perfectly open for the court, exercising this flexible power, to pass such order as public interest dictates and equity projects: “Courts of equity may, and frequently do, go much further both to give and withhold relief in furtherance of the public interest than they are accustomed to go where only private interests are involved. Accordingly, the granting or withholding of relief may properly be dependent upon considerations as of public interest....” The writ petitions arising out of the same subject matter of the said survey number of “Khanamet Village”, fell for consideration before a Division Bench of this Court and the Division Bench of this Court by an order dated 12.09.2012 in W.P.No.16658 of 2009 has passed an order with certain directions by allowing the writ petitions and also disposing of another writ petitions. The order of the Division Bench is carried to Apex Court and the Apex Court by an order dated 19.11.2013 held as follows: “I.A.No.1 of 2013 for permission to file the special leave petition is allowed. Delay condoned. Issue notice.	

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		Till the next date of hearing, the direction contained in the impugned judgment shall remain stayed.” Learned counsel sought for withdrawal of the writ petition on the ground that interim direction is granted. No doubt, interim direction is issued by this Court to register the said property. This Court is conscious of the facts that the Sub-Registrar has no power to enter into the efficacy of the title of the vendor/vendee who presents the document to register. Be that as it may, this Court in a number of similar matters has passed interim orders subject to outcome of writ petition. The Apex Court in Shiv Shankar Dal Mills has laid down the law with regard to the Article 226 by which the Court can grant relief or withhold relief depending on considerations or public interest. This Court is not inclined to grant any relief to the petitioner for withdrawal and directs the respondent Urban Land Ceiling Authority to file a counter affidavit. Learned counsel appearing on behalf of the respondents is directed to get instructions as to whether the document i.e., sale deed is submitted to the concerned Sub-Registrar as claimed and the same is entered in the Inward Register of the Sub-Registrar. Post on 01.09.2025. _____ JAK, J dsv	

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