

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 12522 OF 2023**

Between:

1. Shaik Pasha, S/o. Shaik Vazeer
2. Mekala Raju, S/o. Ramchander

Petitioners

AND

1. The State of Telangana, rep by its Prl. Secretary, Stamps and Registration Department Secretariat Buildings, Hyderabad
2. The Registrar of Chits, Government of Telangana O/o. The Commissioner and Inspector General Registration and Stamps, MJ Market, Hyderabad
3. The Deputy Registrar of Chits, at Adilabad Rep by its Deputy Registrar of Chits at Adilabad
4. M/s. Shriram Chits Private Limited, R/by its Authorized Person Mr. T. Sampath, S/o. Rajaiah Aged. 29 years, Occ. Asst. Manager R/o. Mancherial District.
5. The Commissioner, O/o. The Municipal Office, Mancherial Municipality Mancherial District.

Respondents

WHEREAS the Petitioner above named through their Advocate M/s. DEVARA SAMHITHA presented this 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, declaring the action of the 5th respondent in withholding the salary of the petitioners by issuing the warrant dated 28.02.2023 in EP No. 121 of 2020 in A.R.B No. 770 of 2014 on the file of court of the Hon'ble Prl. Junior Civil Judge at Mancherial, by setting aside the same and consequently direct the respondents not to deduct the salaries of the petitioners in the interest of justice.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of M/s. DEVARA SAMHITHA, Advocate for the Petitioner, AGP FOR STAMPS & REGISTRATION, for the Respondent Nos.1 to 3, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Prl. Secretary, Stamps and Registration Department, State of Telangana, Secretariat Buildings, Hyderabad
2. The Registrar of Chits, Government of Telangana O/o. The Commissioner and Inspector General Registration and Stamps, MJ Market, Hyderabad
3. The Deputy Registrar of Chits, at Adilabad Rep by its Deputy Registrar of Chits at Adilabad

4. Mr. T. Sampath, S/o. Rajaiah, Authorized Person, M/s. Shriram Chits Private Limited, Occ. Asst. Manager R/o. Mancherial District.
5. The Commissioner, O/o. The Municipal Office, Mancherial Municipality Mancherial District.

are directed to show cause on or before 28.07.2023 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2023

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 grant stay of all proceedings in pursuant to the Salary Attachment warrant dated 28.02.2023 in EP No. 121 of 2020 in A.R.B No. 770 of 2014 on the file of court of the Hon'ble Prl. Junior Civil Judge at Mancherial, pending disposal of the main writ petition.

The Court made the following: ORDER

Notice before admission.

Learned Assistant Government Pleader for Stamps and Registration takes notice on behalf of respondent Nos.1 to 3.

Learned counsel for the petitioners is permitted to take out personal notice on respondent No.4 by RPAD and file proof of service in the Registry before the next date of hearing.

In **Punymurthula Venkata Viswa Sundara Rao V. Margadarsi Chit Fund Private Limited, Hyderabad and others** reported in **2017 (3) ALD 387**, the Division Bench held that the E.P Court does not have jurisdiction to entertain an application for execution of the award of the Deputy Registrar of Chit Funds, if presented by the decree-holder.

In the instant case also, it is contended that, straight away E.P. was filed before the Court of the Principal Junior Civil Judge at Mancherial, without it being presented/ forwarded by the Registrar.

In view of the decision, referred to above, balance of convenience is in favour of the petitioners.

Hence, there shall be interim stay, as prayed for, for a period of eight (8) weeks.

Post on 28.07.2023.

SD/- N. RAJAGOPAL
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Pri. Secretary, Stamps and Registration Department, State of Telangana, Secretariat Buildings, Hyderabad
2. The Registrar of Chits, Government of Telangana O/o. The Commissioner and Inspector General Registration and Stamps, MJ Market, Hyderabad
3. The Deputy Registrar of Chits, at Adilabad Rep by its Deputy Registrar of Chits at Adilabad
4. Mr. T. Sampath, S/o. Rajaiah, Authorized Person, M/s. Shriram Chits Private Limited, Occ. Asst. Manager R/o. Mancherial District.
5. The Commissioner, O/o. The Municipal Office, Mancherial Municipality Mancherial District.
(for addresses 1 to 5 by RPAD- along with a copy of petition and affidavit)
6. One CC to M/s. DEVARA SAMHITHA, Advocate [OPUC]
7. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court at Hyderabad. [OUT]
8. One spare copy

HIGH COURT

MSK,J

DATED: 28/04/2023

POST ON 28.07.2023

NOTICE BEFORE ADMISSION

WP.No.12522 of 2023



INTERIM STAY