

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: W.P.No.12370 of 2023

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
04.	20.06.2023	<u>HCJ & NTRJ</u> <u>W.P.No.12370 of 2023</u> Though learned Single Judge had opined in the order dated 08.06.2023 that the writ petition should be heard by the same Bench (Division Bench) which had passed order in Writ Appeal Nos.881 of 2022 and 23, 27 & 32 of 2023, we are view that there is neither any challenge to a statute nor any question of law which requires hearing and adjudication by the Division Bench. As a matter of fact, Writ Appeal Nos.881 of 2022 and 23, 27 & 32 of 2023 were allowed by the Division Bench setting aside the order dated 25.03.2022 of the learned Single Judge passed in W.P.No.13616 of 2022 and batch. Order dated 25.03.2022 reads as follows: “2. It is submitted by the learned counsel on either side that subject matter of this writ petition is squarely covered by the common	Transferred to i/o folder, before corrections, if any.

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		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 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,	

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		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 Division Bench set aside this order of the learned Single Judge on the	

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		following reasons: “5. We have been informed that after the order dated 25.03.2022 was passed by the learned Single Judge, Supreme Court had passed order dated 18.05.2022 in S.L.P(C).No.19695 of 2021 staying the judgment and order dated 23.08.2021 passed in W.P.No.9248 of 2021. In W.P.No.9248 of 2021, a Division Bench of this Court held that Inspector General of Registration and Stamps had no authority to issue memo dated 26.08.2020. The effect of the stay granted by the Supreme Court would be that the memo dated 26.08.2020 and 29.12.2020 issued by the Commissioner and Inspector General of Registration and Stamps, Telangana, would stand revived. If that be so, impugned directions of the learned Single Judge cannot be sustained. 6. At this stage, Ms. A.Chandana, learned Assistant Government Pleader for Stamps and Registration submits that in view of the stay granted by the Supreme Court, the concerned Sub-Registrar has decided not to register any document presented pursuant to the	

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		judgment and order of this Court dated 18.02.2022 passed in W.P.No.328 of 2022 as modified <i>vide</i> order dated 22.02.2022. 7. That being the position, we set aside the common order dated 25.03.2022. 8. All the Writ Appeals are accordingly allowed. No costs.” Thus from the above it is evident that Division Bench has only clarified the effect of the stay granted by the Supreme Court. We are therefore of the view that the writ petition is required to be heard by the Single Bench having roster. Ordered accordingly. Registry to do the needful. HCJ NTRJ KL	