

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

TUESDAY, THE FIRST DAY OF AUGUST
 TWO THOUSAND AND TWENTY THREE

:PRESENT:
THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA
WRIT PETITION NO: 12370 OF 2023

Between:

Chekuri Sowbhagya Lakshmi, W/o. Ch. Venkata Subrahmanyam Raju

Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat building, Hyderabad
2. The Sub Registrar, Kodada, Suryapet District

Respondents

WHEREAS the Petitioner above named through her Advocate Sri C RAMACHANDRA RAJU 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 an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 2nd respondent, refusing to register the document of the petitioner vide his order No. N. Dis. No. 43/DOCTs /2012 dt.13.03.2023 is highly unjust arbitrary, contrary to the order of his Hon'ble Court dated 28.04.2022 in WP No. 21901 of 2022 and violative of Articles 14 and 21 of the Constitution of India and consequently direct the 2nd respondent to receive and register the document of the petitioner which was returned by him under endorsement No. Dis. No. 43/DOCTs /2012, dt.13.03.2023 relating to sale of plot No.4 in Block No.12 in Sy.No.951/A7/1/3 of Kodada Municipality, Suryapet District.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri C RAMACHANDRA RAJU, Advocate for the Petitioner and Sri B Dileep Kumar, (AGP for STAMPS & REGISTRATION), 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 Principal Secretary, Revenue Department, State of Telangana, Secretariat building, Hyderabad
2. The Sub Registrar, Kodada, Suryapet District

are directed to show cause on or before 12.09.2023 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 direct the 2nd respondent to receive and register the document of the petitioner which was returned by the 2nd respondent under his order No. N. Dis. No. 43/DOCTs /2012, dt.13.03.2023 by suspending the operation of the order of the 2nd respondent bearing No. N. Dis. No. 43/DOCTs /2012, dt.13.03.2023, pending disposal of WP No.12370 of 2023, on the file of the High Court.

The Court made the following: **ORDER**

Heard Sri C.Ramachandra Raju, learned counsel for the petitioner as well as Sri B.Dileep Kumar, learned Assistant Government Pleader for Stamps and Registration who is representing respondent Nos.1 and

2. Notice before admission.

3. This Writ Petition is filed seeking the Court to declare the action of respondent No.2 i.e., Sub-Registrar, Kodad, Suryapet District, in refusing to register the document presented by the petitioner in respect of Plot No.4. admeasuring 183.21 square yards, in Sy.No.951/A7/1/3, Block No.12 of Kodad Village and Mandal, Suryapet District, as highly unjust, arbitrary and contrary to the order that was passed by this Court in W.P.No.21901 of 2022, dated 28.4.2022 and consequently, to direct the said Registering Authority to receive and register the said document.

4. On hearing both sides, what could be perceived by this Court is that the whole issue is in respect of applicability of a memo *vide* Memo No.G2/257/2019, dated 26.8.2020.

5. When the learned counsel for the petitioner had stated that the said memo is not applicable to the facts and circumstances of the case, learned Assistant Government Pleader for Stamps and Registration contended that the subject property is covered by the said memo and in the light of the interim order passed by the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No.19695 of 2021, dated 18.5.2022,

the petitioner cannot seek for a direction to the Registering Authority to register the said document.

6. The sequence of events as could be perceived through the material available on record and upon hearing both the learned counsels is that the petitioner along with two others filed W.P.No.21901 of 2022 seeking a direction to the Registering Authority to receive and register the sale deeds in respect of the Plots, which are 42 in number, to an extent of Acs.2.70 guntas located in Sy.No.951/7 of Kodad Village, Suryapet District. In the said Writ Petition also, it was contended that the Registering Authorities are placing reliance upon memo No.G2/257/2019, dated 26.8.2020. However, this Court by order dated 28.4.2022, gave the following directions:-

“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 No.G2/257/2019, dated 26.08.2020, issued by the respondent - the Commissioner and Inspector General of Registration and Stamps, Telangana;

(ii) the Sub-Registrar 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.”

7. Contending that despite of the order in the afore-mentioned Writ Petition, as the Registering Authority failed to entertain the sale deed that was presented by the petitioner for registration in respect of a part of the subject property, the present Writ Petition is filed.

8. The main grounds due to which the document was not entertained by the Registering Authority are two-fold, as per the Return endorsement of respondent No.2, which are as follows:-

1. The Link Doct.No.6587/2012, Date:-28.07.2012 relating to Agricultural land and Conversion orders are obtained on Date:01.09.2021 and the layout based on which Document is presented relates to 16.02.2006 i.e., the layout approval is anterior to date of layout of land and the link document is deficiently Stamped if it is Non agricultural and already layout made.

2. Due to Stay of Hon'ble Supreme Court in petition for special leave to Appeal(C)No.19695/2021 unapproved plots or Buildings cannot be registered.”

9. Learned counsel for the petitioner, by placing on record the proceedings issued by the Revenue Divisional Officer, Suryapet, *vide* proceedings No.C/6047/2012, dated 01.9.2012, contended that required permission was issued for converting the subject land into house plots. The said contention and the document produced remain undisputed.

10. Learned counsel for the petitioner produced a copy of the approved layout plan which shows that the Panchayat Secretary of Kodad Village had approved the layout plan. The genuineness of the said document is also not in dispute.

11. Learned counsel for the petitioner also produced a copy of the information secured through Dharani portal, which goes to show the Land Status as “Signed as NALA”.

12. Even through the Return endorsement, respondent No.2 i.e., Sub-Registrar, Kodad, Suryapet District, did not say that memo No.G2/257/2019, dated 26.8.2020, is applicable to the present case and therefore, the document is rejected. The Sub-Registrar has pointed out that the land conversion orders were obtained later in date than that of the layout approval.

13. Though the learned counsel for the petitioner had stated that the petitioner herein is not a party to the proceedings in W.P.No.9248 of 2021 that stood pending on the file of this Court, which order is the subject matter in SLA(C).No.19695 of 2021, this Court is of the considered view that when an order is rendered by the Hon'ble Supreme Court relating to any aspect of the issue, the said order has to be obliged by all concerned including this Court.

14. However, in the case on hand, the applicability of memo No.G2/257/2019, dated 26.8.2020, is not projected by the respondents in clear terms. That apart, there is no denial of the fact that basing on the same subject matter and considering the same memo, this Court through orders in W.P.No.21901 of 2022, dated 28.4.2022, had directed the Registering Authority to register the document presented by the petitioner in respect of the subject property. However, without reference to the said order, the document presented by the petitioner for registration was returned by the Registering Authority. It is not the case of the respondents that the order rendered in W.P.No.21901 of 2022, dated 28.4.2022, was challenged.

15. Though *prima facie*, it is made clear that memo No.G2/257/2019, dated 26.8.2020, is not applicable to the facts and circumstances of the case, however, as the validity of the said memo is under consideration before the Hon'ble Supreme Court, this Court is of the view that only an interim direction can be issued to the Registering Authority to register the subject document.

16. Hence, respondent No.2 i.e., Sub-Registrar, Kodad, Suryapet District, is directed to receive and register the document which was returned through returned endorsement, vide N.Dis.No.43/Docts/2012,

dated 13.3.2023, in case, the said document is in accordance with law, more particularly the provisions of the Registration Act, 1908 and Indian Stamp Act, 1899, and to release the said document.

17. Respondent No.2 i.e., Sub-Registrar, Kodad, Suryapet District, shall make an endorsement on the reverse of the first page of the said document that the registration is done subject to the outcome of SLA(C).No.19695 of 2021 which is pending before the Hon'ble Supreme Court.

18. The parties to the document are directed not to execute any further deeds of conveyance regarding the subject property except on obtaining required permission from this Court.

19. Registry to make an endorsement to the effect that the Writ Petition shall not be permitted to be withdrawn.

20. List on 12.9.2023.

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat building, Hyderabad
2. The Sub Registrar, Kodada, Suryapet District
(for 1 & 2 by RPAD- along with a copy of petition and affidavit)
3. The Section Officer, WP Non-Service, High Court at Hyderabad ✓
4. One CC to SRI. C RAMACHANDRA RAJU, Advocate [OPUC]
5. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court at Hyderabad.
[OUT]
6. One spare copy ✓

ar

HIGH COURT

Dr. CSL,J

DATED:01/08/2023

LIST ON 12.9.2023.

NOTICE BEFORE ADMISSION

WP.No.12370 of 2023

DIRECTION

