(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
FRIDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE
:PRESENT:
THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 12931 OF 2023

Between:

MOHMMAD FASIUDDIN, S/o Waheed.

Petitioner

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/ District Registrar, Karimnagar Rep by its Deputy Registrar of Chits/ District Registrar, Karimnagar
4. M/s. Shriram Chits Private Limited, Rep. by its GPA Holder Mr. P Nagavender Rao, S/o Sarvotha rao, Occ. Senior Divisional Manager, R/o Mukurampuram, Karminagar District.
5. The Municipal Commissioner, O/o. The Municipal Corporation, Karimnagar District.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri 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 07-11-2019 in EP No. 52 of 2019 in A.R.B No. 564 of 2016 on the file of court of the Hon'ble Prl. Additional Senior Civil Judge At Karimnagar 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 Sri DEVARA SAMHITHA Advocate for the Petitioner and Learned Assistant Government Pleader for Stamps and Registration takes notice on behalf of 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/ District Registrar, Karimnagar.

4. M/s. Shriram Chits Private Limited, GPA Holder Mr. P Nagavender Rao, S/o Sarvotha rao, Occ. Senior Divisional Manager, R/o Mukurampuram, Karminagar District.
5. The Municipal Commissioner, O/o. The Municipal Corporation, Karimnagar 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 07-11-2019 in EP No. 52 of 2019 in A.R.B No. 564 of 2016 on the file of court of the Hon'ble Prl. Additional Senior Civil Judge At Karimnagar, pending disposal of WP No. 12931 of 2023, on the file of the High Court.

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 petitioner is permitted to take out personal notice on respondent No.3 by RPAD and file proof of service in the Registry before the next date of hearing.

In Punyamurthula 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 Additional Senior Civil Judge at Karimnagar, without it being presented/forwarded by the Registrar.

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

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

Post on 28.07.2023.

SD/- V. KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

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/ District Registrar, Karimnagar.
4. M/s. Shriram Chits Private Limited, GPA Holder Mr. P Nagavender Rao, S/o Sarvotha rao, Occ. Senior Divisional Manager, R/o Mukurampuram, Karminagar District.
5. The Municipal Commissioner, O/o. The Municipal Corporation, Karimnagar District. (1 to 5 by RPAD- along with a copy of petition and Affidavit)
6. One CC to SRI. DEVARA SAMHITHA Advocate [OPUC]
7. Two CCs to GP FOR STAMPS AND REGISTRATION ,High Court at Hyderabad. [OUT]
8. One spare copy

HIGH COURT

MSKJ

DATED:28/04/2023

POST ON 28.07.2023

NOTICE BEFORE ADMISSION

WP.No.12931 of 2023

INTERIM STAY