

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

[3393]

FRIDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT APPEAL NO: 435 OF 2016

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the order dated 02.02.2015 passed in WP No.16523 of 2012 on the file of the High Court.

Between:

1. The Sub-Registrar,, Outbullapur Ranga Reddy District.
2. The District Registrar and Collector, under Indian Stamp Act, Ranga Reddy District.
3. The Commissioner and Inspector General, Registration and Stamps, MJ Market, Hyderabad.

AND

...APPELLANTS

Dhanraj Soni,, S/o.Shri Shrikishan Soni Occupation Business R/o.11-3-949,
Mallepally, Hyderabad.

...RESPONDENT

I.A. NO: 1 OF 2016(WAMP. NO: 1147 OF 2016)

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 suspend the operation of the orders dated 02.02.2015 made in WP No.16523 of 2012, pending disposal of the Writ Appeal

**Counsel for the Appellants: SRI POTTIAGARI SRIDHAR REDDY,
SPECIAL GOVERNMENT PLEADER
THE ADVOCATE GENERAL**

Counsel for Respondent: SRI ALY AHMED BASITH

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

Writ Appeal No.435 of 2016

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Pottigari Sridhar Reddy, learned Special Government Pleader for the State of Telangana appears for the appellants.

Mr. Aly Ahmed Basith, learned counsel for the respondent.

2. In view of the prayer made, learned counsel for the appellants is permitted to implead the State of Telangana as an appellant. Let this be done during the course of the day.

3. This intra court appeal is filed against order dated 02.02.2015, passed by a learned Single Judge by which writ petition filed by the respondent *viz.*, W.P.No.16523 of 2012 has been allowed.

4. Learned Single Judge has *inter alia* held that the stamp duty is payable only on a small share of the land in issue measuring Ac.0.01 guntas. The appellants have been directed to refund the excess stamp duty collected from the respondent (writ petitioner) after adjusting the stamp duty payable on Ac.0.01 guntas of land bearing

Survey Nos.65, 70, 71 and 72 of Jeedimetla Village, Qutubullahpur Mandal, Ranga Reddy District.

5. Learned counsel for the respondent submitted that the issue involved between the parties is no longer a *res integra* and has been answered by a Full Bench of the Andhra Pradesh High Court in **T.G.Thimmaiah Chetty v. The District Registrar, Kurnool**¹
6. The aforesaid submission is disputed by learned Special Government Pleader.
7. However, on perusal of the order passed by the learned Single Judge as well as the decision of the Full Bench of the Andhra Pradesh High Court, it is evident that the issue involved in this intra court appeal has already been answered by the Full Bench of the Andhra Pradesh High Court. The conclusion arrived at by the learned Single Judge is in consensus with the view taken by the Full Bench of this Court.

¹ AIR 1986 AP 14

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8. The amount of excess court fee shall be paid by the appellants to the respondent within a period of eight weeks from the date of receipt of a copy of the order passed today.

9. Subject to the aforesaid direction, the appeal is dismissed.

No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

//TRUE COPY//

SD/- M. MANJULA
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. Two CCs to the Advocate General, High Court for the State of Telangana.
[OUT]
2. One CC to Sri Aly Ahmed Basith Advocate [OPUC]
3. Two CD Copies

MBC

GJP *PMG*

HIGH COURT

DATED: 28/06/2024



JUDGMENT

WA.No.435 of 2016

DISMISSING THE WRIT APPEAL

WITHOUT COSTS