

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WPMP.No.30327 of 2015 and WRIT PETITION No.22585 of 2015

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Between:

Dr. Mahmood Shareef and another

...Petitioners

and

The State of Telangana and others

...Respondents

**DATE OF JUDGMENT PRONOUNCED: 13.08.2015**

**SUBMITTED FOR APPROVAL:**

**THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR**

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1. Whether Reporters of Local newspapers  
may be allowed to see the Judgments? Yes/No
2. Whether the copies of judgment  
may be marked to Law Reporters/Journals? Yes/No
3. Whether Their Ladyship/Lordship wish to  
see the fair copy of the Judgment? Yes/No

**THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR**

**WPMP.No.30327 of 2015 and WRIT PETITION No.22585 of 2015**

**COMMON ORDER:**

Petitioners 1 and 2, who are son and daughter of one late Smt. Yousuf Begum, Wife of late Khasim Shareef, claim that their mother was granted Muntakhab and they are entitled to represent her estate and that they questioned the orders of revenue authorities alleging the tampering of the revenue records including fabrication of the orders of Revenue Divisional Officer etc.

It appears that on the applications filed by one P.Madhusudhan Reddy and others for rectification of entries in the pahanies in respect of the lands situated at Attapur, the Special Grade Deputy Collector & Revenue Divisional Officer, Chevella Division, Ranga Reddy District issued proceedings No.C/1000/2010, dated 16.04.2011 in their favour. The said proceedings were questioned by the mother of the petitioners herein, and another by way of filing Writ Petition No.4770 of 2013 and this Court disposed of the same by granting status quo. Apart from others, the mother of the petitioners herein appeared to have prosecuted revision, which in turn was heard and decided by the District Collector, Ranga Reddy in Case No.D1/4882/2012, dated 30.04.2015, wherein the Collector directed that all the entries made creating third party interests be recorded as 'disputed' in Pattadar and Occupant columns and gave liberty to the parties to approach competent civil Court.

It is stated that the aforesaid orders relate to lands of Smt. Yousuf Begum, situated at Attapur. The other lands of Smt. Yousuf Begum, situated at Malkajgiri are stated to be the subject

matter of Case No.D5/4194/2013 before the Joint Collector-I, Ranga Reddy District and the said case is now stated to be posted for hearing on 29.08.2015. The petitioners state that while the said proceedings are pending, the third parties are taking up unauthorized constructions and thereby, changing the nature of the land. They filed representation, dated 29.06.2015 stating their grievance about the unauthorized constructions coming up in the subject land and thereby, prayed to take action against the encroachers by registering FIR and to stop the illegal constructions.

Pending this Writ Petition, WPMP.No.30327 of 2015 is filed seeking to implead the petitioners therein as party respondents 7 to 12 by asserting that they have a right in the properties which are subject matter of the Writ Petition.

The said WPMP is opposed by the learned counsel for the writ petitioners primarily on the ground that the proposed respondents are the children of late Azam Shareef, eldest son of Smt. Yousuf Begum, and the said eldest son died prior to the death of late Smt. Yousuf Begum, who is the mother of the writ petitioners. Hence, no right over the subject property could be created to the children of the pre-deceased son.

The entitlement of the petitioners including the proposed parties, as claimed, is not a matter to be adjudicated by this Court under Article 226 of the Constitution of India as such the said issue has to be adjudicated by appropriate forum.

For the purpose of the present Writ Petition, this Court is of the view that the proposed parties are proper parties and therefore, the implead petition being WPMP.No.30327 of 2015 is ordered.

I have heard Sri Meherchand Nori, learned counsel appearing for the proposed parties. He states that the proposed parties are vitally

interested in protecting the properties both at Attapur and Malkajgiri and requests to issue directions to the second respondent that the revision petition being Case No.D5/4194/2013 now pending before the Joint Collector-I, Ranga Reddy, be heard and disposed of earliest.

The learned Government Pleader for Revenue on instructions submits that as per the pahani for 1982-83, the lands in Survey Nos.403, 418, 419, 420 and 421 situated at Moula Ali, RTC Colony, Malkajgiri Village are declared as 'ceiling surplus lands' and then onwards, the entire land is recorded as khariz khata in the revenue records. He further submits that on physical verification of the land, it is revealed that there are number of houses and the persons are showing allotment certificates issued by the Wakf Board since the said land is stated to be notified wakf property. He also states that the revenue authorities have filed LGC (SR).No.45 of 2015 before the Special Court, Andhra Pradesh Land Grabbing (Prohibition) Act, Hyderabad, against all the encroachers, so as to protect the said khariz khata land.

After hearing all the learned counsel for the parties, I am of the view that as the persons, who are allegedly making illegal constructions, are not being made parties to this Writ Petition, no direction as sought by the petitioners can be issued. However, it is the responsibility of respondents 1 to 4 to take appropriate steps including making a request before the Special Court in the said LGC and seek appropriate directions. The petitioners and the impleaded respondents herein may also be the parties to the LGC. They are also at liberty to seek appropriate directions from the Special Court. So far as the revision petition being Case No.D5/4194/2013 pending before the Joint Collector-I, Ranga Reddy is concerned, since it is scheduled to be heard on 29.08.2015, in my view, it is appropriate to direct the second respondent to hear the revision petition being Case No.D5/4194/2013 on the date scheduled or on any other next

adjourned date and dispose of the same expeditiously, preferably, within two months from the date of receipt of a copy of the order.

With the directions and the liberty as mentioned above, the Writ Petition is disposed of.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed. No order as to costs.

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**VILAS V.AFZULPURKAR, J**

13<sup>th</sup> AUGUST, 2015.

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