

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.16715 OF 2002

ORDER:

This writ petition is filed declaring the Memo.Rc.No.JA/K.505/Suppl/99 dated 04.07.2002 of the 3rd respondent rejecting the request of petitioners for handing over the possession of Miyapur Village, Sherilingampally Mandal, Ranga Reddy District to the petitioners pursuant to the orders of the Board of Revenue dated 29.12.76 in file No.NA.2/78/69 as illegal and arbitrary.

Heard both sides.

The petitioners assailed the impugned proceedings of the Jagir Administrator dated 04.07.2002 rejecting the claim of the petitioners wherein the Jagir Administrator dismissed the application of the petitioners through G.P.A holder holding that the said property is Zat Jagir grant given to Sri Khaisuruddin Khan and it will not come under the personal or private property of the Jagirdar. Therefore, the descendents of the deceased Jagirdar cannot claim for release of the subject village. The petitioners have not stated in the writ affidavit what is their relation with Khaisaruddin Khan but in the G.P.A executed, it is stated that petitioner Nos.1 to 76 are claiming that subject land is gifted to them by son of Rafiunnisa Begum i.e., Khaisaruddin Khan, but no documents are filed to that effect. Petitioner Nos.77 to 82 are claiming as successors of Nawab Khasaruddin Khan.

The implead petitioner in W.P.M.P.No.24136 of 2016 claimed that they have purchased the subject property from the petitioners 77 to 82 and that the petitioners 77 to 82 being successors of Nawab Khasaruddin Khan and their legal representatives have executed agreement of sale and irrevocable General Power of Attorney dated 15.01.2016. The implead petitioner in WPMP No.24136 of 2016 i.e., M/s.Trinity Infraventures Limited stated that on behalf of petitioner Nos.77 to 82 and their legal representatives, filed SLP.C.6510 of 2016 before the Supreme Court of India for implementation of the Sanad dated 11th Ziquada, 20 Hijri 1907 claiming it to be the property of predecessors of Khaisuruddin Khan and also for implementation of the order of the Board of Revenue by setting aside the judgment passed in W.P.No.6240 of 1995 & batch dated 16.04.2003 and that the said SLP is pending.

It is stated that the subject property in the present case and in the SLP before the Hon'ble Supreme Court is one and the same.

Sri Vedula Venkataramana, learned senior counsel appearing for implead petitioner in WPMP No. 24136 of 2016 submits that petitioners 1 to 76 are HIBA holders of Khaisarudddin Khan and the said aspect cannot be decided in this writ petition. He further submits that several matters pertaining to lands in Miyapur village including cases under

Land Grabbing Act and Enemy Property Act are pending before Hon'ble Apex Court.

No document is filed by the writ petitioners 1 to 76 to show subject property is gifted to them and the said aspect cannot be decided in the writ petition. Such claim can only be decided by civil court. The present writ petition is also filed basing on the Sanad dated 11th Ziquada 20 Hijri 1907. .

It is the claim of the impleaded respondents in WPMP Nos.24136 and 34535 of 2016 and also learned Government Pleader that the issue in the present writ petition is pending before the Hon'ble Supreme Court.

In counter affidavit of 5th respondent, it is stated that Hon'ble Supreme Court granted status quo in SLP No.14917/2003 & batch pertaining to subject land. In view of above facts and circumstances, no relief can be granted in this writ petition and the implead petitioner in WPMP No.24136 of 2016 can seek appropriate relief before Apex Court since SLP filed for same relief is pending before the Hon'ble Apex Court.

Accordingly, this writ petition is dismissed. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

26-12-2016
dv/kvs

