

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.23283 of 2011 & 763 of 2013

COMMON ORDER:

These two Writ Petitions are being disposed of by this common order as petitioner in both the cases is one and the same.

Writ Petition No.23283 of 2011 was filed challenging the action of respondents in trying to demolish the compound wall, dispossess and interfere with the possession and enjoyment of the petitioner in respect of property in Plot No.30/1A bearing Municipal No.8-2-603/23/30/1A, admeasuring 290 square yards in Sy.No.403/23 at Road No.10, Banjara Hills, Shaikpet Village, Hyderabad.

Writ Petition No. 763 of 2013 was filed challenging the action of respondents in threatening to dispossess the petitioner from the aforesaid property.

The petitioner states that he purchased the subject property under the registered agreement of sale cum GPA. The said property forms part of Plot No.23 of erstwhile Jubilee Hills Municipality and the ownership of the vendor of the petitioner was recognized by the Government. The vendor of the petitioner divided the land in Plot No.23 into various residential plots under a layout and sold the same to prospective purchasers and the

petitioner is in possession of one of the plots. There is vast extent of land in Plot No.24 admeasuring an extent of Ac.4.08 guntas and there is a claim by the Government in respect of the said land. When the petitioner wanted to make construction, the respondents tried to interfere with the same and in those circumstances, he approached this Court by filing these Writ Petitions.

The Tahsildar, Shaikpet Mandal filed a Counter affidavit stating that the land in Plot No.24 of Defunct Jubilee Hills Municipality was allotted to one Warish Hussain Khan, S/o Mashooq Yar Jung, who was in the Army of Nizam Government. Later, on his request, the said land was allotted to one Khursheed Ali Khan and since he migrated to Pakistan, all his immovable properties have been declared as Evacuee properties vide Notification No.5, dated 30.10.1949 which was published in Hyderabad Gazette on 7.11.1949. While so, One Mohd.Amanullah and others claiming to be the legal representatives of Warish Hussain Khan filed Writ Petition No. 1928 of 1991 and the same was disposed of appointing the District Collector, Hyderabad in his capacity as custodian of the said property under the Administration of Evacuee Property Act, 1950 to conduct investigation and to decide the issue. Pursuant to the said order, the Joint Collector & Deputy Custodian of Evacuee property enquired the matter and declared the subject property as evacuee property by order dated 27.10.1992. Aggrieved by the same, one Mohd.Amanullah and others filed an appeal before the

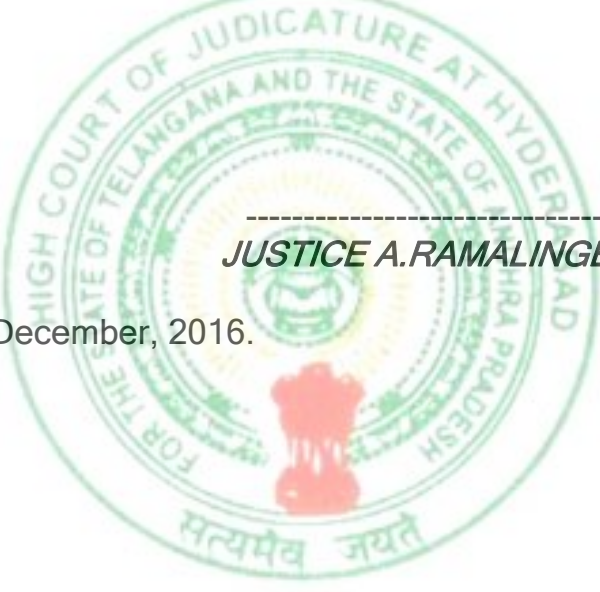
Commissioner of Survey, Settlements and Land Records and the same was rejected as not maintainable. Thereupon, they filed a petition before the Commissioner, Appeals, who by order dated 18.04.2002 dismissed the said petition as not maintainable. Aggrieved by the same, Writ Petition No.9440 of 2002 was filed by Mohammed Ibrahim and 22 others and the said Writ Petition was allowed by order dated 25.03.2011. As against the same, the Government filed Writ Appeal No.1103 of 2013 and a Division Bench of this Court allowed the said Writ Appeal setting aside the order of learned single Judge by order dated 4.3.2013 and directed that the subject land should vest with the Government. Plot No.23 of the Defunct Jubilee Hills Municipality which is in an extent of Ac.4.10 guntas situated at Road No.10, Banjara Hills, is recognized by the Government in favour of Syed Saheedul Hassan Razvi and the Government had no claim in respect of the land in Plot No.23, but the petitioner under the guise of alleged sale deed pertaining to Plot No.23, is claiming the Government vacant land in Plot No.24.

Thus it is clear from the foregoing discussion that there is a dispute with regard to the title and identity of the subject land. The petitioner claims the land in Plot No.24, whereas as the land purchased by him is situated in Plot No.23. The said dispute cannot be decided in the present Writ Petitions and it is left upon to the petitioner to take up appropriate civil proceedings in accordance with law, if so advised.

With the above observations, the Writ Petitions are dismissed.

At this stage, the learned Counsel for the petitioner submits that the petitioner has filed an application before the Tahsildar for regularization of the subject plot. If that be so, it is open to the petitioner to pursue the further course of action in regard thereto.

Miscellaneous petitions pending consideration if any in the Writ Petitions shall stand closed in consequence. No order as to costs.



JUSTICE A.RAMALINGESWARA RAO

DATED 1ST December, 2016.
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