

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15746 of 2011

ORDER:

It is the case of the petitioners that the husband of the 1st petitioner and father of the 2nd petitioner by name Khaja Ghouseuddin was the employee of the State Government and he purchased the property to an extent of 1016 square yards appurtenant to H.No.9-8-389 in Golconda, Badabazar, Hyderabad by virtue of registered sale deed vide document No.1400/77 dated 04-05-1977. Prior to it, he had made application to the Special Officer And Competent Authority, Urban Land Ceilings, Hyderabad seeking permission to purchase the property and proceedings were issued by them on 30-05-1977 giving permission to purchase the property. The father of the 2nd petitioner made application under G.O.Ms.No.455, which was processed. In the year 2007, it is known that the land is covered under appeal pending before the appellate authority under the repealed ULC Act. By that time, her father passed away on 24-06-2006. Thereafter, the proceedings were issued on 02-05-2008. On that the petitioners made application on 30-06-2008 giving all the details along with all documents. Till date, no orders are passed. On 06-06-2011, officials from the office of 3rd respondent visited the site and made some markings and

tried to dispossess the petitioners. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by respondent No.3-Tahsildar stating that the subject land is handed over to respondent No.3 on 28-05-1992. Khaja Ghouseuddin, who is the father of the 2nd petitioner filed application for regularization of surplus land by paying amount, but his claim was rejected by according refund of amount to him.

Additional Counter affidavit is filed by respondent No.4 stating that the proposal for regularization of subject land was taken up in routine manner and G.O.Ms.No.1119, dated 24-10-2009 was issued for regularizing other than the land claimed by the petitioners. The premises applied for regularization is quite different from the site, which is regularized under G.O.Ms.No.1119, dated 24-10-2009. It is also stated that applicant late Khaja Mohd.Ghousuddin during his life time sold away the entire extent of land in premises No.9-8-389, Bada Bazar, against which application for regularization is filed under G.O.Ms.No.455, dated 29-07-2002. As such, the petitioners are not in possession of the application scheduled land and regularization of the same in their favour is not possible under the said G.O. The applicant late Khaja

Mohd.Ghousuddin sold the schedule land to the following persons:

TABLE-1

SL.No.	Doc.No.date	Sold by	Purchased by	Extent in sq.mtrs.
1.	972 of 2006, dated 28-02-2006	Khaja Mohd.Ghousuddin	Hameed Shareef	365.33
2.	968 of 2006, dated 28-02-2006.	Khaja Mohd.Ghousuddin	Mohd.Jaffer	468.02
3.	Notarized agreement dated 27-12-2004	Khaja Mohd.Ghousuddin	Yasmeen Banu	598.64
			Total	1431.99

At present, either the individuals at Column No.4 or others purchased from them shown at Column.No.2 of Table-2 are claiming the site in premises No.9-8-389 of Bada Bazar as under:

TABLE-2

SL.No.	Name of the Claimant	Regd.Doc.No. & Date	Extent in Sy.Mtrs.
1.	Hameed Shareef	972 of 2006, dated 28-02-2006	365.33
2.	Azam Khan	467 of 2010, dated 08-02-2010	250.84
3.	Azam Khan	1604 of 2010	598.64
		Total	1214.81

The respondent-authorities are taking steps for cancellation of G.O.Ms.No.1119, dated 24-10-2009 issued in favour of the 1st petitioner.

Reply affidavit is filed disputing the contents of the counter affidavit and reiterating the contents of writ affidavit.

Heard learned counsel for the petitioners.

As per counter affidavit of respondent No.4, G.O.Ms.No.1119, dated 24-10-2009 issued in favour of the petitioners. In the additional counter affidavit filed by the respondent No.4, it is stated that the land claimed for regularization is different from the site, which is regularized under G.O.Ms.No.1119, dated 24-10-2009 and the respondent-authorities are taking steps for cancellation of the same. No reply affidavit is filed to the additional counter affidavit. A specific assertion is made by the 4th respondent that the father of the 2nd petitioner has sold the land to the third persons and they are claiming the same. The fact remains that G.O.Ms.No.1119, dated 24-10-2009 issued in favour of the 1st petitioner. But in the counter of respondent No.4, it is stated that there is discrepancy in the land mentioned in the said G.O.

In view of above facts and circumstances, since already G.O.Ms.No.1119, dated 24-10-2009 was issued in favour of the 1st petitioner, if the respondent-authorities want to cancel the same, the petitioners and purchasers of

subject land shall put on notice before passing any orders canceling the said G.O. in accordance with law.

Accordingly, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

03-11-2016
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