THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.M.P.No.12913 of 2014
IN
W.P.No.22561 of 2008

AND

WRIT PETITION Nos. 22561 & 27590 of 2008;
1155, 1156, 1666 & 1674 of 2009;
28647, 28648, 28649, 28650, 28651 & 28652 of 2014;
2293 and 2359 of 2017

COMMON ORDER:

None appeared for the petitioners in this batch of cases on 20.06.2017, and one Sri Kiran Kumar Balla, Advocate, sought adjournment on the ground that Sri S.Ramachandra Rao, Senior Counsel, would be appearing in the cases. However, in view of the plea of the learned Counsel for the respondents that the writ petitioners were non-existing and in the name of fictitious persons this batch of cases were filed challenging the Government Orders, this Court allowed W.P.M.P.No.11235 of 2017 filed by some of the respondents in W.P.No.22561 of 2008 directing the Registry to send notices to writ petitioner Nos.2 to 5 to appear before this Court on 04.07.2017 along with their identity cards.

Now a report is submitted by the Registry stating that the special messenger tried to serve the notices on the following persons

"1. Najmuddin Islam Khan, S/o.Late Nizamuddin Islam Khan, Business, R/o.14-2-327, Goshamahal, Hyderabad.

2. Habeed Islam Khan, S/o.Late Qutubuddin Islam Khan, Business, R/o.14-2-327, Goshamahal, Hyderabad.

3. Iftekar Islam Khan, S/o.Late Khaleeluddin Islam Khan, Business, R/o.14-2-327, Goshamahal, Hyderabad.

4. Shakeel Islam Khan, S/o.Late Iqbal Islam Khan, R/o.H.No.7-2-581 & 582, Brugushetty Bazar, Badi Masjid, Ashok Nagar, Secunderabad."

but the covers relating to the persons at serial numbers 1 to 3 were returned as "address not found" and regarding the person at serial number 4, it was returned as "house vacated".

Today when the cases are called, none appeared for the petitioners.

Learned Counsel appearing for respondent No.67 in W.P.No.22561 of 2008 brought to the notice of this Court an affidavit filed by one Sri G.Deepak Reddy, who is one of the petitioners in C.R.P.No.1826 of 2016, stating that Mohd.Shakeel Islam Khan @ Mohammed Baseer (the 4th person in the above list) is not the son of late Iqbal Islam Khan, and he stated in support of the said contention as follows:

> "It is further submitted that to prove the Respodnent No.2 is not the son of Late. Iqbal Islam Khan the copy of the original Aadhar Card vide Identification No.904463428651, in which the name of the Respondent No.2 is written as Mohammed Baseer Son of Mohammed Yousuf and the same is filed herewith for kind perusal of this Hon'ble Court. That further Original Election ID Card vide Identification No.CVG5499447 is filed herewith in which the name of the Respondent No.2 is written as Mohammed Baseer Son of Mohammed Yousuf and the same is filed herewith for kind perusal of this Hon'ble Court. The above said respondent No.2 also obtained pan card with the name of Mohammed Baseer son of Mohammed Yousuf vide Pan Card No.BUTPB7953H issued by Central Government by Income Tax Department."

He further stated that the said Shakeel Islam Khan falsely obtained Election Identification Card, Pan Card and Driving Licence on the name of Shakeel Islam Khan based on forged documents, but he could not get Aadhar Card on the name of Shakeel Islam Khan, as he already obtained the Aadhar Card on his original name, Mohammed Baseer, S/o.Mohammed Yousuf.

In view of the same, the person at serial No.4 shown as Shakeel Islam Khan, cannot claim to be the legal representative of late Iqbal Islam Khan, and this fact was not brought to the notice of this Court when this Court ordered W.P.M.P.No.12913 of 2014 in W.P.No.22561 of 2008 on 20.06.2017. Hence, the said order is recalled, and W.P.M.P.No.12913 of 2014 is dismissed.

Coming to the batch of cases, the following table indicates the cases filed by the four persons as petitioners in W.P.Nos.22561, 27590 of 2008 and 1155, 1156, 1666 & 1674 of 2009 and it is stated by all the respondents now that those petitioners are non-existing.

Sl. No.	Case No. & Counsel for the petitioner	Petitioners	Respondents	Prayer in the Writ Petitions
1.	W.P.No.22561 of 2008 Sri B.Sailesh Saxena	1. Iqbal Islam Khan, S/o.Late Moinuddin Islam Khan. 2. Najmuddin Islam Khan, S/o.Late Nizamuddin Islam Khan.	Government of AP & 191 others	To issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari; (1) to call for the records relating to G.O.Ms.No.328 Revenue (UC.IV) dated 12.03.2008 of the first respondent (2) to call for the records relating to proceedings issued by the second respondent under

		3. Habeeb Islam Khan, S/o.Late Qutubuddin Islam Khan. 4. Iftekar Islam Khan, S/o.Late Khaleeluddin Islam Khan.		Section 8(4) of Urban Land Ceiling Act dated 15.03.2004 and Notification published under Section 10(3) of the Urban Land Ceiling Act in A.P. Gazette No.133 dated 25.06.2004 and quash the same as illegal and contrary to the provisions of Urban Land Ceiling Act.
2.	W.P.No.27590 of 2008 Sri B. Sailesh Saxena	-do-	Government of AP & 45 others	To issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari; (1) to call for the records relating to G.O.Ms.No.303 Revenue (UC.II) dated 10.03.2005 of the first respondent (2) to call for the records relating to proceedings issued by the second respondent under Section 8(4) of Urban Land Ceiling Act dated 15.03.2004 and Notification published under Section 10(3) of the Urban Land Ceiling Act in A.P. Gazette No.133 dated 25.06.2004 and quash the same as illegal and contrary to the provisions of Urban Land Ceiling Act.
3.	W.P.No.1155 of 2009 Sri B. Sailesh Saxena	-do-	Government of A.P., & 46 others	To issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring G.O.Ms.No.220 dated 22.02.2008 as illegal and without jurisdiction being contrary to G.O.Ms.No.455 dated 29.07.2002.
4.	W.P.No.1156 of 2009 Sri B. Sailesh Saxena	-do-	Government of AP & 16 others	To issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari; (1) to call for the records relating to G.O.Ms.No.219 Revenue (UC.IV) dated 22.02.2008 of the first respondent (2) to call for the records relating to proceedings issued by the second respondent under Section 8(4) of Urban Land Ceiling Act dated 15.03.2004 and Notification published under Section 10(3) of the Urban Land Ceiling Act in A.P. Gazette No.133 dated 25.06.2004 and quash the same as illegal and contrary to the provisions of Urban Land Ceiling Act.
5.	W.P.No.1666	-do-	Government	To issue an appropriate

	of 2009 Sri B. Sailesh Saxena		of AP & 15 others	writ, order or direction more particularly one in the nature of Writ of mandamus; (A) declare the action of the respondent in entertaining the application of third parties in terms of G.O.Ms.No.747 dated 18.06.2008 in spite of pending LGC Case No.39 of 2004 on the file of Hon'ble Special Court of Land Grabbing Court at Hyderabad contrary to Clause (c) of G.O.Ms.No.747 dated 18.06.2008 as illegal, arbitrary and without jurisdiction (B) direct the first and second respondents not to allot or process the applications made by the third parties in terms of G.O.Ms.No.747 dated 18.06.2008 subject to the land to an extent of Ac.78.22 gts., in Sy.No.294/1 an extent of Ac.7.28 gts., Sy.No.294/2 an extent of Ac.0.3 gts., Sy.No.294/3, an extent of Ac.0.3 gts., Sy.No.294/4 an extent of Ac.0.3 gts., Sy.No.295/5 an extent of Ac.0.3 gts., Sy.No.294/7 an extent of Ac.0.3 gts., Sy.No.294/8 an extent of Ac.0.3 gts., Sy.No.294/9 an extent of Ac.0.3 gts., Sy.No.294/10 an extent of Ac.0.3 gts., Sy.No.294/12, an extent of Ac.1.7 gts., Sy.No.297/1/1 an extent of Ac.2.36 gts., Sy.No.297/2/1, an extent of Ac.21.32 gts., Sy.No.297/3/1 an extent of Ac.18.28 gts., Sy.No.298/1 an extent of Ac.17.38 gts., and 299/1 an extent of Ac.6.9 gts., situated at Guddimalkapur village, Asifnagar Mandal, Hyderabad district until disposal of the LGC Case No.39 of 2004 filed by the petitioner.
6.	W.P.No.1674 of 2009 Sri B. Sailesh Saxena	-do-	Government of AP & 17 others	To issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari; (1) to call for the records relating to G.O.Ms.No.221 Revenue (UC.IV) dated 22.02.2008 of the first respondent (2) to call for the records relating to proceedings issued by the second respondent under

				Section 8(4) of Urban Land Ceiling Act dated 15.03.2004 and Notification published under Section 10(3) of the Urban Land Ceiling Act in A.P. Gazette No.133 dated 25.06.2004 and quash the same as illegal and contrary to the provisions of Urban Land Ceiling Act.

In any event, there is no dispute that the first petitioner, Iqbal Islam Khan expired, and as stated above, Shakeel Islam Khan cannot claim himself to be the legal representative of Iqbal Islam Khan. The attempt by this Court to serve notices on petitioner Nos.2 to 4 could not succeed and the Counsel did not appear on the last occasion as well as today.

The Writ Petitions were filed for the reliefs stated as above. In view of the doubt about the existence of the petitioners and in the absence of any Counsel asserting their existence, this Court has no other alternative except to dismiss the Writ Petitions.

The following cases i.e., W.P.Nos.28647, 28648, 28649, 28650, 28651 and 28652 of 2014 were filed by M/s.Jai Hanuman Estates, Ms.M.H.Shailaja and Sri G.Deepak Reddy as petitioners challenging the same Government Orders which were challenged by the petitioners in the above Writ Petitions.

Sl. No.	**Case No. & Counsel for the petitioner**	**Petitioners**	**Respondents**	**Prayer in the Writ Petitions**
1.	W.P.No.28647 of 2014 Sri B. Sailesh Saxena	1. M/s. Jai Hanuman Estates. 2. M.H. Shailaja	State of Telangana & 45 others	To issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari; (1) to call for the records relating to G.O.Ms.No.303 Revenue (UC.II) dated 10.03.2005 of the first

		3. G. Deepak Reddy		respondent (2) to call for the records relating to proceedings issued by the second respondent under Section 8(4) of Urban Land Ceiling Act dated 15.03.2004 and Notification published under Section 10(3) of the Urban Land Ceiling Act in A.P. Gazette No.133 dated 25.06.2004 and quash the same as illegal and contrary to the provisions of Urban Land Ceiling Act.
2.	W.P.No.28648 of 2014 Sri B. Sailesh Saxena	-do-	-do-	To issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring G.O.Ms.No.220 dated 22.02.2008 as illegal and without jurisdiction being contrary to G.O.Ms.No.455 dated 29.07.2002.
3.	W.P.No.28649 of 2014 Sri B. Sailesh Saxena	-do-	State of Telangana & 15 others	To issue an appropriate writ, order or direction more particularly one in the nature of Writ of mandamus; (A) declaring the action of the respondent in entertaining the application of third parties in terms of G.O.Ms.No.747 dated 18.06.2008 in spite of pending LGC Case No.39 of 2004 on the file of Hon'ble Special Court of Land Grabbing Court at Hyderabad contrary to Clause (c) of G.O.Ms.No.747 dated 18.06.2008 as illegal, arbitrary and without jurisdiction (B) direct the first and second respondents not to allot or process the applications made by the third parties in terms of G.O.Ms.No.747 dated 18.06.2008 subject to the land to an extent of Ac.78.22 gts., in Sy.No.294/1 an extent of Ac.7.28 gts., Sy.No.294/2 an extent of Ac.0.3 gts., Sy.No.294/3, an extent of Ac.0-3 gts., Sy.No.294/4 an extent of Ac.0-3 gts., Sy.No.294/5 an extent of Ac.0-3 gts., Sy.No.294/7 an extent of Ac.0-3 gts., Sy.No.294/8 an extent of Ac.0-3 gts., Sy.No.294/9 an extent of Ac.0-3 gts., Sy.No.294/10 an extent of Ac.0-3 gts., Sy.No.294/12, an extent of Ac.1-7 gts., Sy.No.297/1/1 an extent of Ac.2-36 gts., Sy.No.297/2/1, an extent of Ac.21-32 gts., Sy.No.297/3/1 an extent of Ac.18-28 gts., Sy.No.298/1 an extent of Ac.17-38 gts., and 299/1 an extent of Ac.6-9 gts., situated at Guddimalkapur

				village, Asifnagar Mandal, Hyderabad district until disposal of the LGC Case No.39 of 2004 filed by the petitioner
4.	W.P.No.28650 of 2014 Sri B. Sailesh Saxena	-do-	State of Telangana & 17 others	To issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari; (1) to call for the records relating to G.O.Ms.No.221 Revenue (UC.IV) dated 22.02.2008 of the first respondent (2) to call for the records relating to proceedings issued by the second respondent under Section 8(4) of Urban Land Ceiling Act dated 15.03.2004 and Notification published under Section 10(3) of the Urban Land Ceiling Act in A.P. Gazette No.133 dated 25.06.2004 and quash the same as illegal and contrary to the provisions of Urban Land Ceiling Act.
5.	W.P.No.28651 of 2014 Sri B. Sailesh Saxena	-do-	State of Telangana & 193 others	To issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari; (1) to call for the records relating to G.O.Ms.No.328 Revenue (UC.IV) dated 12.03.2008 of the first respondent (2) to call for the records relating to proceedings issued by the second respondent under Section 8(4) of Urban Land Ceiling Act dated 15.03.2004 and Notification published under Section 10(3) of the Urban Land Ceiling Act in A.P. Gazette No.133 dated 25.06.2004 and quash the same as illegal and contrary to the provisions of Urban Land Ceiling Act.
6.	W.P.No.28652 of 2014 Sri B. Sailesh Saxena	-do-	State of Telangana & 16 others	To issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari; (1) to call for the records relating to G.O.Ms.No.219 Revenue (UC.IV) dated 22.02.2008 of the first respondent (2) to call for the records relating to proceedings issued by the second respondent under Section 8(4) of Urban Land Ceiling Act dated 15.03.2004 and Notification published under Section 10(3) of the Urban Land Ceiling Act in A.P. Gazette No.133 dated 25.06.2004 and quash the same as illegal and contrary to the provisions of Urban Land Ceiling Act.

The main claim of the petitioners in this second batch of cases appears to be that they obtained a decree for specific performance of agreement of sale executed by the petitioners in the first batch of cases. But in the absence of existence of such persons, the agreement alleged to have been executed by such persons may not stand. Be that as it may, none appeared for the petitioners in this batch of cases also on 20.06.2017 as well as today when the cases are called, and in view of the same, in this batch of cases also this Court has no alternative, except to dismiss the cases for non-prosecution.

So far as W.P.No.2293 of 2017 is concerned, it was filed by the Counsel who filed the above twelve cases challenging the registration of crime in FIR No.235 of 2016 and interfering in the discharge of his professional duties. Now it is stated across the bar by the learned Government Pleader representing the learned Advocate General that the petitioner was arrested and is in jail.

The learned Counsel for the petitioner in W.P.No.2293 of 2017, who is stated to be his brother, was not present when the case was called on 20.06.2017, and even today also. In the circumstances, this Writ Petition is also dismissed.

W.P.No.2359 of 2017 is filed by one Sri M.Shiva Bhushan, the GPA holder of Iqbal Islam Khan, challenging the action of respondents 2 and 3 therein in compelling the petitioner to give

a statement to the effect that the petitioner himself is Iqbal Islam Khan and harassing the petitioner in this regard. Since Iqbal Islam Khan himself expired, the Writ Petition becomes infructuous, and is, accordingly, dismissed.

Initially when W.P.No.2293 of 2017 was posted before this Court, this Court passed an order on 08.02.2017 directing the Registry to obtain appropriate orders with regard to posting of other related cases along with the said case, and pursuant to the orders of the Hon'ble the Acting Chief Justice, the above batch of cases are posted and they are disposed of in the manner indicated above.

But, the submission of the learned Counsel for the respondents who appeared in the above batch of cases is that the petitioners in W.P.Nos.22561, 27590 of 2008 and 1155, 1156, 1666 & 1674 of 2009 are non-existing and the petitioners in W.P.Nos.28647, 28648, 28649, 28650, 28651 and 28652 of 2014 claimed the decree pursuant to an agreement alleged to have been executed by the non-existing persons and filed the Writ Petitions. All the Writ Petitions were filed by the petitioner in W.P.No.2293 of 2017, against whom FIR No.235 of 2016 was already registered at the instance of some private persons. In view of the above submissions, this Court feels that the process of this Court should not be misused by any Advocate, and accordingly, in view of the doubt with regard to the existence of the petitioners and in the absence of any assertion with regard

to their existence by any Counsel or by the petitioners themselves, this Court feels that the Registrar (Judicial) shall lodge a complaint with the Police for investigation and take appropriate action in accordance with law. It also came to light that in some of the above Writ Petitions (W.P.Nos.22561 of 2008, 1155 and 1156 of 2009), the original bundles are found missing and the investigation by the Police shall include the persons responsible for misplacement of the original case files also.

All the Writ Petitions are, accordingly, dismissed. The miscellaneous petitions pending in these Writ Petitions, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

04.07.2017
vs