

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**W.P.M.P.No.41935 of 2017 & W.V.M.P.No.4047 of 2017**

**In**

**W.P.No.15013 of 2017**

**And**

**WRIT PETITION No.15013 of 2017**

**ORDER :**

Heard Sri Mohd. Moin Ahmed Quadri, learned counsel for petitioner, learned Government Pleader for Revenue appearing for respondent Nos.1 to 3 and Sri Shyam S. Agarwal, learned counsel for respondent Nos.4 and 5.

2. The Writ petitioner contends that he is the lawful owner and possessor of property admeasuring Ac.12.16 gts in Sy.No.9 of Alijapur Village, Gandipet Mandal, Ranga Reddy District and that he had succeeded to the property from his father Sheetal Singh, who purchased it in 1954 from one Ramlal under registered sale deed dt.05-11-1954. He contended that his father was in physical possession of the property, that mutation was also made in the name of his father, and after he died, he is in possession of the property. He alleged that on 22-04-2017, without any prior notice, the officials attached to the office of the Tahsildar, Gandipet Mandal attempted to interfere with his possession and enjoyment of the property.

3. On 25-04-2017 in W.P.M.P.No.18560 of 2017, this Court directed that the petitioner should not be evicted from the said land without following due process of law.

4. W.P.M.P No.41935 of 2017 is filed by their parties to implead themselves and W.V.M.P No.4047 of 2017 was filed to vacate the said order.

5. The proposed parties contend that Ac.24.31 gts in S.No.9 and 9/1 of Alijapur Village originally belonged to the father of the petitioner; after his death, the petitioner did not succeed to the property in S.No.9; that one Rajan Singh @ Ramlal, Om Prakash, (sons of Sheetal Singh), Smt.Saroj Bai (Sheetal Singh's daughter) and Smt. Usha Bai and Madhumati, (wives of his deceased sons by name Bharat Singh and Laxman Singh) inherited the property; that there were proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 and on application of these heirs of Sheetal Singh, G.O.Ms.No.517 Revenue (UC.II) dt.20-04-2005 was issued exempting excess land of an extent 49,130.92 sq. mts held by the heirs of Sheetal Singh on payment of consideration; that vide proceedings Ref.No.D/7787/2005 dt.29-07-2006 issued by the Dy.Collector and Mandal Revenue Officer, the names of the above persons were recorded in the Revenue records in respect of one bit of Ac.12.16 gts in Sy.No.9; other extent of Ac.12.15 gts in Sy.No.9 was recorded in the name of Sri Ramlal @ Rajan Singh under proceedings No.D/7788/2005; their names had been recorded in the pahanis 2009-10 and pattadar pass book and title deeds were also issued to them. They contend that petitioner no.2 in the implead petition purchased an extent of Ac.13.05 gts in Sy.No.9 from Rajan Singh in 2011 under

Doc.Nos.95 to 99 of 2011, that out of the said extent, he sold land admeasuring Ac.3.00 gts to one Masood and Ac.4.20 gts and Ac.2.00 to 4<sup>th</sup> respondent and others retaining the balance land of Ac.3.20 gts.

6. They contend that taking advantage of the interim order, the Writ petitioner was making attempts to disturb the possession and enjoyment of their land and cause harm to them.

7. They also pointed out that the Writ petitioner filed W.P.No.33272 of 2010 before this Court against Rajan Singh and Om Prakash, children of late Sheetal Singh and the Revenue Officials of the State Government in respect of land in Sy.No.9 and 9/1 of the above village, and after receiving Rs.2.00 crores from them under a memorandum of settlement dt.12-01-2011 withdrew the same on 25-04-2011 clearly admitting therein that Rajan Singh and other legal heirs of Sheetal Singh are the owners and possessors of the land in Sy.Nos.9 and 9/1 admeasuring Ac.24.31 gts; that he had also given a No Claim declaration-cum-undertaking on 09-05-2011 stating that he had no claim whatsoever nature in Sy.Nos.9 and 9/1 admeasuring Ac.24.31 gts of the above village; and that suppressing these facts he filed the Writ Petition and obtained the interim order and is preventing them from enjoying the land in S.No.9 and 9/1 owned by them. The Memorandum of Settlement-cum-Undertaking, No Claim declaration-cum-Undertaking, order dt.25-04-2011 in W.P.No.33272 of 2010 were filed by respondent Nos.4 and 5 and the sale deeds and other

documents under which they claim the property have been filed by them.

8. These allegations made by respondents no.4 and 5 were not denied by the Writ Petitioner.

9. Having regard to the above averments and the documents filed by them, I am satisfied that petitioners in the W.P.M.P No.41935 of 2017 are persons affected by the conduct of the Writ petitioner and the order passed in the Writ petition and that they are entitled to come on record. Therefore W.P.M.P.No.41935 of 2017 is ordered and they are impleaded as respondent Nos. 4 and 5 in the Writ Petition.

10. Now I will consider whether the interim order dt.25-04-2017 granted to the Writ petitioner in W.P.M.P.No.18560 of 2017 is liable to be vacated.

11. From the above facts brought to the notice of this Court by respondent Nos.4 and 5, it is clear that having admitted that he had no right, title and interest in the land in Sy.No.9 by executing Memorandum of Settlement dt.12-01-2011 and No Claim Declaration-cum-Undertaking on 09-05-2011 to the vendor of respondent Nos.4 and 5 by name Rajan Singh @ Ramlal, the petitioner has filed the present Writ Petition with *mala fide* intention of blackmailing respondent Nos.4 and 5 by making false allegations and suppressing true facts.

12. The Writ petitioner had earlier filed W.P.No.33272 of 2010 before this Court against Rajan Singh and Om Prakash (children of late Sheetal Singh) and the Revenue Officials of the State Government in respect of land in Sy.No.9 and 9/1 of the above village, and after receiving Rs.2.00 crores from the legal heirs of Sheetal Singh i.e Rajan Singh @ Ramlal and others referred to above under a Memorandum of settlement dt.12-01-2011 withdrew the same on 25-04-2011 clearly admitting therein that Rajan Singh and other legal heirs of Sheetal Singh are the owners and possessors of the land in Sy.Nos.9 and 9/1 admeasuring Ac.24.31 gts; and relinquishing all his claims, rights, interest of whatsoever nature over the said lands.

13. Without having right, title or interest in the land in Sy.No.9 of Alijapur village, as admitted by him in the above documents, he has falsely alleged that he still has interest in the property and that the Revenue officials were trying to interfere with his possession and enjoyment of the property and obtained the interim order from this Court.

14. In fact, the Writ Petition was attempted to be withdrawn by the learned counsel for petitioner, but at the intervention of the learned counsel for respondent Nos.4 and 5, it's withdrawal was not allowed by this Court.

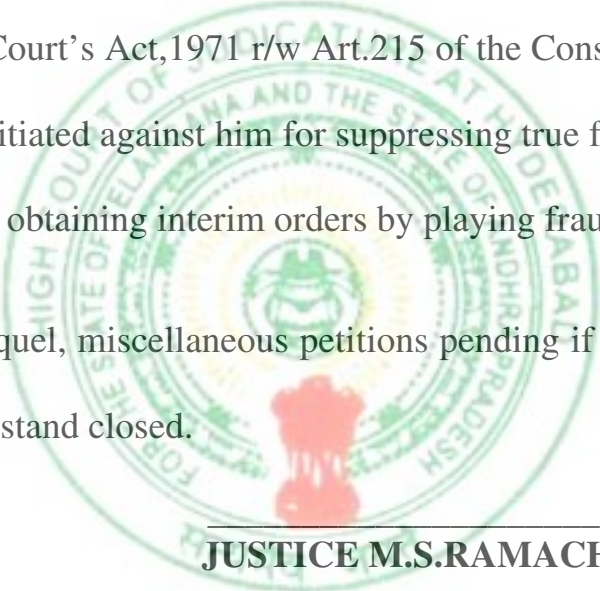
15. Therefore, the interim order obtained by him cannot be sustained.

16. Accordingly, the order dt.25-04-2017 in W.P.M.P.No.18560 of 2017 in this Writ Petition is vacated and W.V.M.P.No.4047 of 2017 is allowed.

17. Consequently, the Writ Petition is dismissed with costs of Rs.50,000/- (Rupees Fifty Thousand only) to be paid by the Writ petitioner to respondent Nos.4 and 5 within four (04) weeks.

18. Registry shall issue show cause notice to the Writ Petitioner to show cause why proceedings for Contempt of Court under the Contempt of Court's Act, 1971 r/w Art.215 of the Constitution of India shall not be initiated against him for suppressing true facts, misleading this Court and obtaining interim orders by playing fraud on this Court.

19. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.



**JUSTICE M.S.RAMACHANDRA RAO**

Date : 19-12-2017

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