

**HON'BLE THE CHIEF JUSTICE  
SRI THOTTATHIL B. RADHAKRISHNAN  
AND  
HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN**

**W.A.No.871 of 2017**

**JUDGMENT:** (per VRS,J)

Aggrieved by the order passed by the learned single Judge allowing the writ petition filed by the respondents for quashing the proceedings of the Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad, the State has come up with the present Writ Appeal.

2. Heard the learned Government Pleader for revenue (Assignment) (Telangana).

3. Challenging the proceedings of the Special Officer and competent authority, Urban Land Ceiling, the respondents came up with a writ petition contending *inter alia* that the larger extent of land of Ac.24.345½ gts., in Sy.Nos.96 and 97 of Marriguda village, Uppal Mandal, Hyderabad, originally belonged to two brothers, who sold the same to one Ylamachili Nageswara Rao and five others under a sale deed dated 18.03.1967; that they divided the land into plots after obtaining layout permission from the Gram Panchayat; that 9 such plots were purchased by one Smt. B. Suguna Rama Rao, under a sale deed dated 26.09.1967; that the husband of the purchaser by name B.V. Rama Rao filed a statement under Section 6 of the Urban Land (Ceiling and Regulation) Act, 1976; that a draft statement under Section 8(1) was prepared on 09.01.1978 determining the surplus land; that though the declarant did not file

any objections to the draft statement, no order was passed under Section 8(4); that a final statement was issued on 24.01.1981 under Section 9, followed by notification under Section 10(1) on 31.12.1982; that in the meantime, the Government issued G.O.Ms.No.733, dated 31.10.1988, in exercise of the power conferred by Section 20 (1) (a) of the Act, exempting certain vacant lands; that pursuant to the exemption, the owner Smt. B. Suguna Rama Rao sold two plots under a sale deed dated 28.05.1998 to one Smt. Y. Sharada Devi; that the said Sharada Devi, through her power agents, sold those two plots of land, one measuring 416 sq. yds., and another measuring 458 sq. yds., in favour of the respondents herein under two sale deeds dated 22.08.2009; that the Urban Land (Ceiling and Regulation) Repeal Act, 1999 was notified in the State of Andhra Pradesh under G.O.Ms.No.603 dated 22.04.2008 with effect from 27.03.2008; that therefore, the proceedings abated and as a consequence, the Urban Land Ceiling Authority granted a ULC Clearance Certificate to the respondents to enable them to obtain sanction for construction; that the plots of land purchased by the respondents, which remain unapproved, were also regularized in terms of the Rules called A.P. Regulation and Penalization of Unapproved and Illegal Layouts Rules, 2007; that thereafter the respondents obtained building permit on 10.01.2012 from the Greater Hyderabad Municipal Corporation and that despite the above, the competent authority was claiming that the land had vested with the Government.

4. The Government resisted the writ petition on the ground that after the Act came into force on 17.02.1976, any sale made thereafter was void in view of Section 5(3) of the Act and that in any case, the respondents have no *locus standi* to question the urban land ceiling proceedings, when they were not either the declarants or their legal representatives.

5. The learned Judge allowed the writ petition filed by the respondents, holding that the law is well settled that the passing of an order under Section 8(4) of the Act was mandatory and that if no order had been passed under Section 8(4), the entire proceedings are illegal. The learned Judge cited two decisions of this Court, in **N. Komurraiah v. Special Officer**<sup>1</sup> and **P.Dhana Laxmi v. Special Officer**<sup>2</sup>.

6. The learned Judge also found that even on admitted facts, the respondents were in possession on the date on which the Repeal Act was notified in the State of Andhra Pradesh.

7. We are in agreement with the learned Judge in entirety. The learned Judge, for coming to the conclusion that the passing of an order under Section 8(4) of the Act was mandatory, merely followed the above decisions of this Court, which were obviously binding on him. We see no reason to take a different view from the view taken in *N. Komurraiah* and *P. Dhana Laxmi*.

8. On the question of possession, the learned Judge recorded a categorical finding, even on admitted facts. In such circumstances, we do not find any illegality in the order of the learned Judge, calling

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<sup>1</sup> 1998 (3) ALT 471

<sup>2</sup> 2001 (3) ALT 492

for interference under Clause 15 of the Letters Patent. Hence the writ appeal is dismissed. There shall be no order as to costs.

9. As a sequel, pending miscellaneous petitions, if any, shall stand closed.

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**THOTTATHIL B. RADHAKRISHNAN, CJ.**

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**V.RAMASUBRAMANIAN, J.**

3<sup>rd</sup> August, 2018  
Vs/Js.



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