

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition Nos. 3800 and 4615 of 2017

Common Order:

Since the facts involved in both the Writ Petitions are common, they are being disposed of by this common order.

Though these Writ Petitions were filed challenging the interference of the respondents in respect of the lands admeasuring 528 sq. yards and Ac.12-09 gts., respectively, situated in Survey Nos.41, 174, 177, 178, 179, 180/1, 181, 182 and 211 under GHMC Ward No.8, Block No.1 of Tolichowki, Shaikpet village and Mandal, Hyderabad District, without following due process of law, the argument, ultimately, is confined to the construction of the compound wall by the Government/respondents in excess of their entitlement to 1120 sq. meters in TS No.15/2 (Survey No.179) of Tolichowki, Shaikpet village and Mandal, Hyderabad District.

The facts leading to the present cases are that originally one Mohd. Mohinuddin Khan and others sold away the land in their possession to one Seth Sukhdev Prasad Saheb under a sale deed dated 7th Aban 1340 Fasli vide document No.483 of 1340 Fasli and ultimately after several sale transactions it was purchased by M/s. Pioneer Seed Company Private Limited which was renamed as M/s. Pro Agro Seed Company limited and now renamed as M/s. Bayer Bio Science Private Limited. They sold an extent of Ac.25-00 under two different registered sale deeds dated 09.09.2015 bearing document Nos.5479 and 5480 of 2015 to one M/s. Neelanchal Technocrats Private Limited, who in turn executed registered Agreements of Sale-cum-Irrevocable General Power of Attorney with possession in favour of the petitioner in W.P.No.4615 of 2017 vide document Nos.5537/2015, 5586/2015, 301/2016, 302/2016, 303/2016,

915/2016 and 916/2016 dated 26.11.2015, 26.11.2015, 11.01.2016, 11.01.2016, 11.01.2016, 23.02.2016 and 23.02.2016 respectively in respect of the land admeasuring Ac.12.09 gts. Subsequently, the petitioner in W.P.No.4615 of 2017 divided the said land into plots and sold two plots in favour of the petitioners in W.P.No.3800 of 2017. It appears that the erstwhile composite State of Andhra Pradesh filed L.G.C.No.89 of 1998 before the Special Court for Cases under the A.P. Land Grabbing (Prohibition) Act, 1982 against the predecessors in title of the petitioners in respect of 9008 sq meters out of Ac.25-05 gts., of land and the Special Court, by judgment dated 27.01.2004, partly allowed the said LGC to the extent of 1120 sq. meters in TS No.15/2 (Survey No.179) and dismissed the rest of the claim of the State. W.P.No.6987 of 2008 filed against the said order was dismissed by this Court on 15.04.2008 and the SLP No.5280 of 2009 was also dismissed on 01.05.2009.

Thus, the right of the State of Andhra Pradesh was confined to 1120 sq. meters and now it is alleged that in order to protect that land the State had constructed a compound wall in an extent of nearly 2000 sq. meters instead of 1120 sq. meters. Though a counter affidavit is filed stating that a compound wall was constructed, the extent of land surrounded by the compound wall was not mentioned. In the circumstances, learned Government Pleader fairly accepted to conduct a survey and leave the rest of the land other than the land of 1120 sq. meters in TS No.15/2 (Survey No.179).

In view of the same, these Writ Petitions are disposed of directing the third respondent to issue a notice to the petitioners, conduct survey of the land surrounded by the compound wall and, if any excess land other than the land of 1120 sq. meters is noticed, the third respondent shall

take steps for removing the excess land from the compound wall premises and confine the land to the extent of 1120 sq. meters as decided by the Special Court under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, in L.G.C.No.89 of 1998 and construct the compound wall for 1120 sq. meters only. The entire exercise shall be completed within a period of thirty (30) days from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

Date: 31.01.2018
Nsr



A. RAMALINGESWARA RAO, J