

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.A.M.P.No.2798 OF 2015 IN W.A.No.1103 OF 2014
AND
CONTEMPT CASE No.2482 OF 2016

C O M M O N O R D E R
(*per* Hon'ble Sri Justice Sanjay Kumar)

W.P.No.5405 of 2014 was filed by one P.Raghuveer assailing the action of the revenue authorities in proposing to conduct resurvey of the land admeasuring Ac.4.20 guntas in Sy.No.242 of Kandikal Village, Bandlaguda Mandal, Hyderabad District, and in attempting to dispossess him from the land admeasuring Ac.8.00 guntas in T.S.Nos.29/2, 26/1, 26/2 and 242 of Kandikal Village, Bandlaguda Mandal, Hyderabad, on the ground that it was without jurisdiction and to consequently set aside the notice dated 22.02.2014 issued by the Revenue Divisional Officer, Hyderabad Division, Hyderabad, whereunder he proposed to conduct the fresh survey on 24.02.2014 at 10.00 AM. Interim order dated 25.02.2014 was passed in the said writ petition by a learned Judge of this Court and the same reads as under:

'Notice before admission.

Heard learned senior counsel for the petitioner, learned Government Pleader representing the official respondents and Mr.C.Damodar Reddy, learned standing counsel representing the fourth respondent.

The grievance of the petitioner is with regard to another survey proposed to be conducted by the respondents in spite of earlier survey conducted on 29.01.2014 by the Deputy Director, Survey and Land Records. Petitioner also apprehends his dispossession from the balance extent of land, which is covered by decree of a civil Court and the judgment and decree of the Special Court under the Land Grabbing Act in his favour.

During the hearing, however, it was conceded that the survey, as per the impugned notice, has already been conducted yesterday.

In view of that, therefore, learned Government Pleader shall file a report of the survey by the next date of hearing.

Pending further orders, petitioner shall not be dispossessed from any part of the land decreed in his favour in terms of the decree of the civil Court in O.S.No.59 of 1968 dated 31.07.1976 and in terms of judgment and decree in LGC No.20 of 1998 on the file of the Special Court under the A.P. Land Grabbing (Prohibition) Act, dated 18.11.2003.

List after two (2) weeks in 'Motion List'.

Aggrieved by the aforesaid order, the Greater Hyderabad Municipal Corporation, Hyderabad, the fourth respondent in W.P.No.5405 of 2014, filed W.A.No.1103 of 2014. This writ appeal was disposed of by a Division Bench comprising the then Hon'ble The Chief Justice and one of us, SK,J, *vide* order dated 09.09.2014. This order reads as under:

'We do not want to interfere with the impugned order as the writ petition is stated to be still pending. We are of the view that the hearing of the writ petition may be expedited. However, as both parties are claiming that they are in possession, we direct that status quo obtaining as on today shall be maintained by them till the disposal of the writ petition.'

The writ appeal is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.'

It may be noted that in the grounds filed in support of the appeal, the claim of the Greater Hyderabad Municipal Corporation was only with regard to the extent of Ac.4.20 guntas in Sy.No.242 of Kandikal Village. W.A.M.P.No.3734 of 2017 was filed in the said writ appeal whereby the Greater Hyderabad Municipal Corporation sought permission to fence the land around the slaughter house and this prayer was restricted to the

extent of Ac.4.20 guntas in Sy.No.242 of Kandikal Village. In the affidavit filed in support thereof, the Greater Hyderabad Municipal Corporation stated that it was running a slaughter house in Sy.No.242 in an extent of Ac.4.20 guntas in Kandikal Village, Bandlaguda Mandal, Hyderabad District. The final order dated 09.09.2014 passed in W.A.No.1103 of 2014 directed *status quo* to be maintained till the disposal of the writ petition as both parties were claiming that they were in possession.

While so, P.Raghuveer, the first respondent-writ petitioner, filed W.A.M.P.No.2798 of 2015 with the following prayer:

'For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon'ble Court may be pleased to clarify as regards the applicability of the *status quo* order dated 09.09.2014 in W.A.No.1103 of 2014 to the land in T.S.No.26/1 and 26/2 in Sy.No.242 of Kandikal village, Bandlaguda Mandal, Hyderabad, which is not even claimed by the Greater Hyderabad Municipal Corporation as being part of slaughter house and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

Heard Sri Avinash Desai, learned counsel for P.Raghuveer, the first respondent-writ petitioner, and Sri Andapalli Sanjeev Kumar, learned Special Government Pleader appearing for the Greater Hyderabad Municipal Corporation.

A sketch showing the land was filed by the Greater Hyderabad Municipal Corporation. Therein, the extents claimed by the respective parties are shown. As regards the extent of Ac.4.20 guntas claimed by the Greater Hyderabad Municipal Corporation to be in its possession, it is shown in Sy.No.242/P, relatable to T.S.No.29/P. Sri Avinash Desai, learned counsel, would however contest the claim of the Corporation that the entire extent of Ac.4.20 guntas in this survey number/T.S. number is

in the occupation of the Corporation's slaughter house and assert that only a limited extent of the total area is occupied by the slaughter house, while the remaining portion is in the possession of his client. This aspect requires to be addressed in the writ petition.

Significantly, the remaining extent claimed by P.Raghuveer, being a purported extent of Ac.8.00 guntas, is in a separate bit at a distance from the land in T.S.No.29/P. This extent is situated in Sy.No.242/P, relatable to T.S.No.26/P. The learned Special Government Pleader fairly concedes that the Corporation never laid a claim to any piece of land in T.S.No.26. The rival contentions which were taken into consideration by this Court while disposing of W.A.No.1103 of 2014 directing *status quo* to be maintained pending disposal of the writ petition were only in relation to the land over which both parties were claiming possession. In effect, the said direction to maintain *status quo* is only relatable to that part of Sy.No.242/P which relates to T.S.No.29/P. Though the learned Special Government Pleader would contend that P.Raghuveer sold away the entire extent of land, other than that in Sy.No.242/P relating to T.S.No.29/P, he concedes that he is not in a position to support this contention with sale documents.

In the light of the aforestated admitted facts, it is clear that the order of *status quo* has to be restricted to the land over which both parties viz., the Greater Hyderabad Municipal Corporation, Hyderabad, and P.Raghuveer, assert rights and claim to be in possession and the said order has no application to the land in Sy.No.242/P of Kandikal Village, Bandlaguda Mandal, which is relatable to T.S.No.26. The order dated 09.09.2014 passed in W.A.No.1103 of 2014 shall stand clarified to that extent and the order of *status quo* shall operate only in relation to the

extent of land in Sy.No.242/P of Kandikal Village, Bandlaguda Mandal, which is relatable to T.S.No.29/P.

W.A.M.P.No.2798 of 2015 is accordingly ordered.

Contempt Case No.2482 of 2016 was instituted by P.Raghuveer alleging willful disobedience to the order dated 09.09.2014 passed by this Court in W.A.No.1103 of 2014.

His grievance was that the Commissioner of the Greater Hyderabad Municipal Corporation was undertaking construction of a compound wall in the land in Sy.No.242 in Kandikal Village, Bandlaguda Mandal, Hyderabad District, despite the *status quo* order granted by this Court.

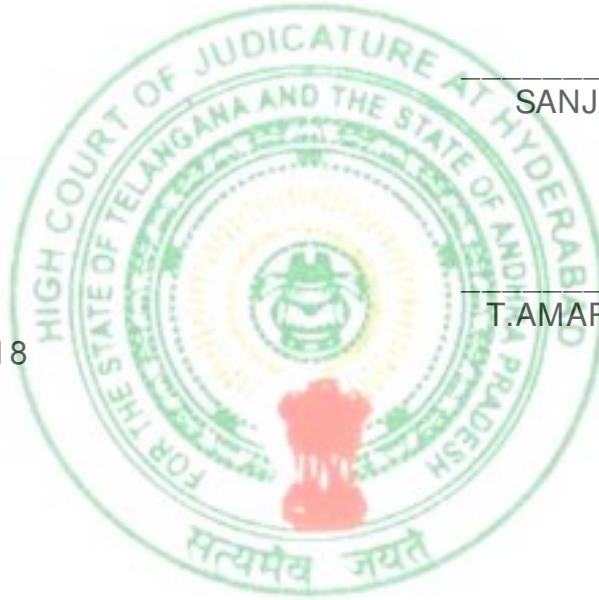
In his counter, the Commissioner of the Corporation admitted that tenders were floated for construction of a compound wall around the extent of Ac.4.20 guntas in Sy.No.242 of Kandikal Village so as to protect the land from land grabbers and to maintain *status quo*. It is for the Greater Hyderabad Municipal Corporation and P.Raghuveer to take necessary steps to protect the land claimed to be in their respective possession without violating the order of *status quo*, be it by way of engaging sufficient watch and ward staff or otherwise. It may be noted that the Greater Hyderabad Municipal Corporation, having filed W.A.M.P.No.3734 of 2017 for this very purpose, was unsuccessful in securing an order therein and the said petition was closed *vide* the order dated 09.09.2014 passed in W.A.1103 of 2014. Without seeking modification of the order of *status quo*, it is not open to either party to change the features of the land obtaining as on 09.09.2014, the date of passing of the order in W.A.No.1103 of 2014.

As we have now clarified the position with regard to applicability of the *status quo* order and as the Corporation did not take further steps

pursuant to its attempt to call for tenders for construction of a compound wall, after institution of contempt proceedings, the Contempt Case is closed making it clear that neither party to the order dated 09.09.2014 passed in W.A.No.1103 of 2014 shall disobey the direction to maintain *status quo* obtaining as on that date in relation to the land claimed to be in their respective possession pending disposal of the writ petition.

To sum up, W.A.M.P.No.2798 of 2015 is ordered as indicated hereinabove and Contempt Case No.2482 of 2016 is closed. No order as to costs.

8th JUNE, 2018
PGS



SANJAY KUMAR,J

T.AMARNATH GOUD,J