

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.22114 of 2013

ORDER:

The prayer of the petitioners in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction; more particularly, one in the nature of Writ of “Mandamus” declaring the action of the 2nd respondent issued under Sec. 8(1), 8(3), 8(4), 9, 10(1), 10(3), 10(5) and 10(6) of the Urban Land (Ceiling and Regulation) Act, 1976 since repealed under Sec. 4 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 in proceedings No.H1/2770/2006 in the name of dead person namely Sri Hyder Ali Mirza in so far declaring the petitioners' agricultural land admeasuring Ac. 1-30 gts as surplus land, in Sy Nos. 491/AA5 and 492/A1 of Manchirevula Village, Rajendranagar Mandal, Ranga Reddy District as illegal, arbitrary and unconstitutional and without jurisdiction, violative of natural justice and violative of petitioner's fundamental rights guaranteed under Article 14 and 300-A of the Constitution of India and further direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners' property and pass such other order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case.”

Sri O. Manohar Reddy, learned counsel for the petitioners, would state that the matter is squarely covered by the decision of a learned Judge of the erstwhile common High Court for the State of Telangana and the State of Andhra Pradesh in W.P.Nos.16715 and 17160 of 2009. A copy of the common order dated 21.04.2015 passed in the aforestated writ petitions is placed on record.

Perusal thereof reflects that the petitioners therein were successors-in-interest of Hyder Ali Mirza as is the case with the petitioners in the present writ petition. The issue raised in the

aforestated two writ petitions and in the present writ petition relates to the proceedings initiated against the said Hyder Ali Mirza under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (for short, 'the Act of 1976'). By the common order dated 21.04.2015, the learned Judge held that the proceedings taken out by the authorities under the Act of 1976 were not sustainable and accordingly set them aside.

In the light of the aforestated adjudication in the case of identically situated persons, this Court is of the opinion that no fresh adjudication is warranted in the case on hand relating to the present petitioners.

The writ petition is accordingly allowed holding that the proceedings initiated by the authorities against the petitioners, being the successors-in-interest of late Hyder Ali Mirza, under the provisions of the Act of 1976 are not sustainable in law and that they are not entitled to or justified in interfering with the possession and enjoyment of the petitioners over their properties, pursuant thereto.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 20.02.2019
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