

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6481 of 2019

ORDER:

1 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the 2nd Respondent in issuing proceedings under sections 81 to 105 of Urban Land Ceiling and Regulation Act 1976 since repealed by Section 4 of the Urban Land Ceiling and Regulation Repeal Act 1999 the alleged consequential proceedings of the 2nd Respondent issued under section 106 of the Act in file No H1/2770/2006 in the name of a dead person namely Hyder Ali Mirza in so far as declaring the Petitioner's agricultural land admeasuring Ac 01.00 gts in Survey No 491 / A Block Number III of Manchirevula Village, Rajendaranagar Mandal, Ranga Reddy District, as surplus land as arbitrary illegal unjust without jurisdiction violative of principles of Natural Justice violative of the fundamental and constitutional rights guaranteed to the Petitioner under Articles 14 and 300A of the Constitution of India and further direct the Respondents not to interfere with the Petitioners peaceful possession and enjoyment of the aforesaid Ac.01.00 gts of land and pass such other order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case.”

2 Sri S. Srinivas Reddy, learned counsel for the petitioner, 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.

3 Perusal thereof reflects that the petitioners therein were successors-in-interest of Hyder Ali Mirza as is the case with the petitioner 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.

4 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 petitioner.

5 The Writ Petition is accordingly allowed holding that the proceedings initiated by the authorities against the petitioner, 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 petitioner over her properties, pursuant thereto.

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

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JUSTICE SANJAY KUMAR

Date: 27.03.2019

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