

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

**W.P. Nos. 39825 of 2017, C.C. No.2814 of 2017, W.P. No.39232 of 2017
and C.C. No.233 of 2018**

COMMON ORDER:

Since common question of law and fact arise for consideration in these cases, they are being disposed of by this common order.

W.P. Nos. 39825 of 2017

2. This Writ petition is filed by M/s.Sai Priya Plot Owners Welfare Association, Hubsiguda challenging Gazette Notification No.238-A, Revenue (Registration-I) Department dt.22.08.2017 notifying G.O.Ms.No.187, Revenue (Registration-I) Department dt.22.08.2017 issued under Sub Section (1) of Section 22 A of the Registration Act, 1908 prohibiting registration of any documents relating to immovable properties situated at Sy.No.1 to 21 of Kancha Parvathapur Village, Ghatkesar Mandal, Medchal-Malkajgiri District of extent Acs.362.15 gts. (for short 'the subject lands') except the area covered by Court directions, if any.

The case of the petitioner Society

3. The case of the petitioner is that it is a Society registered under the A.P. Societies Registration Act, 2001 and consists of 2000 members, who have purchased plots in Sy.Nos.3 to 9 and 12 to 14 in Kancha Parvathapur village totaling Ac.110 under registered sale deeds executed between 1994 and 2000. The Society contends that majority of the plot owners have also regularized their plots under the Layout Regularisation Scheme introduced by the State Government and also obtained building permission from the Grampanchayat and some have constructed houses also.

4. According to them one Budram Singh is the pattedar and possessor of this land and the Sethwar of 1356 Fasli as well as Khasra Pahani of 1954-55 shows him as the pattedar of the said land. According to the Society, from 1950 to 2010, his name and that of his legal representatives is reflected in the revenue records; declaration was filed by his four sons and daughter-in-law under the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 in C.C. Nos.2058/E/75, 2059/E/75, 2060/E/75; there was determination of the ceiling surplus land by authorities under the Act which was surrendered; and out of the retainable land, the legal heirs of Budram Singh sold plots to the members of the petitioner Society.

5. It is the case of the Society that the above land is private patta land and not Government land and so it could not have been notified as Government land under Section 22-A of the Act.

6. The interim order granted earlier on 27.11.2017 in WPMP. No.49379 of 2017 in W.P., there was interim suspension granted of G.O.Ms.No.187, Revenue (Registration-I) Department dt.22.08.2017 issued by the 1st respondent.

The case of the respondents:

7. I.A. No.1 of 2018 is filed by respondents to vacate the said order.

8. The respondents contend that Collector, Ranga Reddy District had issued a letter No.F1/4611/2007 dt.10.05.2004 directing the Sub Registrar, Narapally to prohibit registrations in the lands in the said village and also directed the District Panchayat Officer, to ensure that no building permission are given over the land in the above survey numbers. He also issued another letter No.F1/4611/2007 dt.08.05.2013 directing the

Revenue Divisional Officer, Ranga Reddy District to maintain vigil over the land and protect it from unauthorised encroachment and also to submit proposals under Section 22-A of the Registration Act, 1908 prohibiting registration of the lands.

9. The basis for the above acts, according to the counter filed by the respondents 1 to 4 is that as per Khasra Pahani of the said village, these lands are recorded as "Salarjang Kancha"; that one Nawab Syed Ali Abdul Hassan S/o.Nawab Syed Ahmed submitted a petition on 27.03.2010 to the Collector, Ranga Reddy District stating that he is one of the legal heirs and successors of late Nawab Salarjung Bahadur- III; that he is defendant No.49 in O.S. No.156/1980, being one of the grand sons of late Nawab Syed Abdulla; and that he requested to deliver vacant possession of these lands known as Salarjang Kancha, allegedly the property of late Nawab Salarjung Bahadur-III. It is alleged that all the assets of the said Nawab are subject matter of Salar Jung Bahadur (Administration of Assets) Act, 1950 and all the said properties vest in the Committee called Salar Jung Estate Committee and have to be administered by it subject to the control of the Central Government.

10. It is contended by Nawab Syed Ali Abdul Hassan that all the parties claiming the landed properties of Late Nawab Salarjung III approached the Civil Court and filed O.S. No.156 of 1980 on the file of VII Senior Civil Judge and after prolonged hearing of both sides, he has passed judgment and decree on 12-10-2004 declaring the defendants No.24 to 43, 47 to 65, 109 and 110 as successors of Nawab Salar Jung III being the LR.s., of late Nawab Syed Abdulla group entitled as heirs and successors of maternal uncle of deceased Nawab Salar Jung III, since the other defendants failed

to adduce evidence to prove that they are also successors and heirs to Nawab Salar Jung III. The aggrieved parties have filed appeals vide A.S. No.222 of 2005 and the same was dismissed by III Additional Chief Judge, City Civil Court, Hyderabad on 01-08-2007 and orders passed in O.S. No.156 of 1980 stands confirmed.

11. It is also contended by Nawab Syed Ali Abdul Hassan that legal heirs filed petitions before the Commissioner, Survey and Settlements, Government of Andhra Pradesh, Hyderabad and the Collector, Ranga Reddy District to deliver these lands to them by deleting fake owners names and their purchasers names from the pahani and other relevant records; that they also issued legal notice dt.04.11.2008 to the Chief Secretary, Government of Andhra Pradesh, Collector, Ranga Reddy District and other Revenue officials; that Nawab Syed Ali Abdul Hassan alleged that Budram Singh, resident of Peerzadiguda village, Ghatkesar mandal, in collusion with the Revenue officials managed to get his name recorded in separate pahani records as owner and possessor; that on abolition of the Jagir Inams, the said lands vested in the Government and Government became their custodian.

12. It is contended that Chief Commissioner Land Administration informed the Government that it is necessary to take appropriate steps to protect the lands until the claim is settled, otherwise land grabbers and anti- social elements may encroach illegally and create fake documents to sell away the property; that Section 22-A deals with prohibition of registration of certain documents; Clause (e) thereof deals with lands in which *avowed or accrued interests* of State Government is involved to protect the said lands; the Chief Commissioner of Land Administration

issued necessary instructions/notifications/orders under Section 22-A (1) (e) to stop illegal activities by land grabbers and to protect the lands in Sy.No.1 to 21 of Kancha Parvathpur village of extent Ac.362.15 gts.,; and thereafter G.O.Ms.No.187, Revenue Department dt.22.08.2017 was issued.

The consideration by the Court:

13. Section 22-A of the Registration Act, 1908 under which the impugned notification is issued deals with classes of documents which are prohibited from registration. To the extent relevant for our purpose, its states:

“Section 22-A Prohibition of Registration of certain documents:- (1) The following classes of documents shall be prohibited from registration, namely:-

- (a) documents relating to transfer of immovable property, the alienation or transfer of which is prohibited under any statute of the State or Central Government;*
- (b) documents relating to transfer or property by way of sale, agreement of sale, gift, exchange or lease in respect of immovable property owned by the State or Central Government, executed by persons other than those statutorily empowered to do so;*

.....

- (e) any documents or class of documents pertaining to the properties the State Government may, by notification prohibit the registration in which avowed or accrued interests of Central and State Governments, Local Bodies, Educational, Cultural, Religious and Charitable Institutions, those attached by Civil, Criminal Revenue Courts and Direct and Indirect Tax Laws and others which are likely to adversely affect these interests.*

14. Sub Section (2) of Section 22-A states that for the purpose of Clause (e) of Sub Section (1), the State Government shall publish a notification after obtaining reasons for and full description of properties furnished by the District Collectors concerned in the manner as may be prescribed.

15. The impugned notification G.O.Ms.No.187, Revenue (Registration-I) Department dt.22.08.2017 issued by the 1st respondent does mention which sub section of Section 22-A was being invoked. But it refers to letter No.NA1/181/2012 dt.09.02.2016 and 29.11.2016 of the Chief Commissioner of Land Administration (for short 'the CCLA') (which advises the 1st respondent to invoke Sec.22-A(1) (e) of the Registration Act,1908). But the respondents in the Writ petition did not choose to file them.

16. Petitioner obtained them under Right to Information Act, 2005 and filed them along with reply affidavit.

17. In the letter No. NA1/181/2012 dt.09.02.2016 of the CCLA addressed to the Principal Secretary to the Government of Telangana, Revenue (JA) Department, Hyderabad, there is a reference to a report of the Collector, Ranga Reddy District in letter No.E5/4993/2013 dt.31.08.2015 and to Sub Sections (1) to (7) of Section 10 and Section 11 of the A.P. (Telangana Area) Court of Wards Act, 1350 Fasli and it is stated that since the Ac.362.15 gts., in Sy.No.1 to 21 called Salarjung Kancha at Parvathpur village *are still in dispute, and being prone to illegal encroachments by the land grabbers, it is necessary to protect the said lands till a final decision in the matter is taken by the Government* as the Government is the final authority to take a decision as per Section 11 of the A.P. (Telangana Area) Court of Wards Act, 1350 Fasli; and the Government was requested to issue further instructions to protect the said lands.

18. In the letter No. NA1/181/2012 dt.29.11.2016, there is reference to another letter No.E5/4993/2013 dt.28.07.2016 of the District Collector, Ranga Reddy District/Enquiry Report under Section 10 of the Court of Wards Act. The District Collector in the said letter mentioned that the following *points could not be verified* due to non availability of records:

- i) Whether these lands were resumed by the Jagir Administrator?
- ii) Whether any provisional commutation award was passed?
- iii) Whether any final commutation award was passed, also deciding the shares?
- iv) *Whether these lands were under the control of Court of Wards at any point of time?*

19. In spite of the above reservation expressed by the District Collector that it could not be verified that the subject lands were under the control of the Court of Wards at any point of time, curiously the CCLA records in letter No. NA1/181/2012 dt.29.11.2016 as under:

“In view of the above, after examination of the report of the Collector, Ranga Reddy District and report of the Tahsildar, Ghatkesar Mandal, it is to inform that, taking into consideration of all the averments made by the Collector, regarding the lands in question, it is came to know that the lands are very valuable lands. And also these lands are recorded as Ceiling Surplus Lands, still court cases are pending on the issue and also the matter is pending before the Court of Wards for release of the property by the legal heirs of the Salar Jung. The land is highly valuable and in prime locations besides the Hyderabad to Warangal high Way which is rapidly developing with Engineering Educational Institutions and small scale industries.”(emphasis supplied)

20. The CCLA went on to say that Budram Singh was also an auctioneer and how he owned entire Kancha Parvathpur land in his name and brought his name in the Pahanies is to be enquired; and because the Collector mentioned that the land is under the custody of the Government pending its release, and because original old records pertaining to Salarjung are not traced, Section 22-A (1) (e) is to be invoked to protect the lands until the claim is settled.

21. *Is this view of the CCLA on the basis of which the 1st respondent issued the impugned notification, valid in law?*

22. It is not in dispute that previously a preliminary Gazette Notification No.109/2013 No.E5/4993/2013/Ghatkesar/Parvathpur(Salarjung Kancha) dt.08.10.2013 was issued notifying lands in Sy.No.1 to 21 of various extents at Parvathpur village, Ghatkesar Mandal under Section 22-A of the Registration Act,1908.

23. Objections were raised to the said preliminary notification by M/s. Sri Sai Aiswarya Colony Residents Welfare Association on 31.12.2013, M/s. Sree Ramana Co-operative Housing Society Limited on 02.01.2014 and the petitioner in W.P. No.39825 of 2017 by filing W.P. No.38201 of 2013 challenging the preliminary Gazette Notification dt.08.10.2013.

24. The matter was examined by the District Collector, Ranga Reddy District who gave a report in letter No.E5/4993/2013 dt.12.02.2014 to then Chief Commissioner of Land Administration (for short "CCLA") and Special Chief Secretary Sri I.Y.R.Krishna Rao, in 2014. The Chief Commissioner of Land Administration issued proceedings CCLA's Ref. No.NA1/181/2012 dt.14.02.2014 stating as under:

“As per the report of the Collector, Ranga Reddy District, the extent of Ac.362.15 gts., in the reference 4th cited and as per the entries in Khasra Pahani, one Sri Budaram Singh is Pattedar and Possessor. This land was also filed under the Land Ceiling Act as excess land ceiling and determining it was Private Patta land excess land possession was taken over. Hence, as per the records of the Revenue Department, the lands are Patta lands. Meanwhile, in a meeting of the CCLA where the minutes were recorded, it is recorded as the lands of Ac.362.15 gts., were under the control of Court of Wards. There is no specific evidence that has been adduced or referred to, to declare them as lands of Court of Wards. Even if it is lands under Court of Wards, they do not become Government lands and cannot be declared under 22(a). 22(a) declaration which prohibit registrations in the lands is only available for Government lands. Further, there is no formal communication from CCLA office and the Collector, Ranga Reddy seems to have gone ahead for a Preliminary Declaration under 22(a) based on minutes of a meeting which is not a right procedure to be followed.”

25. The CCLA therefore directed the District Collector, Ranga Reddy to withdraw the preliminary notification already published under Rule 22-A of the Registration Act, 1908 and also to withdraw any consequential advises given to other related departments like Registration and Stamps, Commissioner, Greater Hyderabad Municipal Corporation, Vice Chairman, Hyderabad Metropolitan Development Authority and others with reference to the above land except Ac.38.35 in Sy.No.1, 10, 11 of Salarjung Kancha notified under Section 22-A earlier which was confirmed by the Supreme Court order in Ramana Co-operative House Building case.

26. Following the above directive of the CCLA, the then District Collector, Ranga Reddy District issued proceedings No.E5/4993/2013 dt.14.03.2014 withdrawing the preliminary Gazette Notification

dt.08.10.2013 published under Section 22-A of the Act to the extent of Ac.324.11 gts., in respect of Sy.Nos.1 to 9 and Sy.Nos.12 to 21 situated at Parvathpur village.

27. Petitioner Society which claims that its members hold land in Sy.Nos.3 to 9 and 12 to 14 of Kancha Parvathpur village, placed reliance on the above two proceedings of the CCLA dt.14.02.2014 and the District Collector, Ranga Reddy dt.14.03.2014 and contend that there is no new material on the basis of which the impugned Gazette Notification could have been issued by the 1st respondent.

28. The genuineness of the two proceedings of the CCLA dt.14.02.2014 and the District Collector, Ranga Reddy dt.14.03.2014 relied on by the petitioner is not disputed by respondents.

A. There is no evidence that the subject lands were under the control of the Court of Wards/Board of Revenue at any point of time.

29. The scheme of the A.P. (Telangana Area) Court of Wards Act, 1350 Fasli is that the Board of Revenue is constituted as the 'Court' under Section 4; if an owner of land (as defined in Section 3 (b) of the said Act) are disqualified for the management or control of his property (in the manner indicated in Section 7 thereof), and the District Collector receives information that such owner who resided or whose property is situated within his territorial jurisdiction, has died or disappeared and has reason to believe that his successor is a person who is or should be declared to be disqualified under Section 7, he can invoke Section 8 and take possession of the property of the deceased or missing owner, and appoint a manager; and if the successor is a minor, he can also direct the person having his custody to produce before him.

30. Section 10 empowers the Collector to conduct an enquiry if he has reason to believe that any owner is or should be declared to be disqualified under Section 7, to report this fact to the Board of Revenue/Court; and under Section 11 the Court shall submit a report along with its opinion to the State Government, and may, pending orders of the Government, adopt necessary measures at its discretion, for protection of the person of the heirs and property of the owner.

31. Section 16 of the Act states that if the Court has assumed superintendence of the property of a ward, the Collector shall take possession and custody of the property on behalf of the Court and manage it. Section 17 enumerates the powers of the Collector, Section 18 permits allowances to be given to the Ward and his family and dependants; Section 19 deals with the power of the Court to make orders for his custody, residence, education and marriage; Section 20 deals with the power of the Court to appoint a guardian; and Section 53 provides for withdrawal of Superintendence of the person and property of the Ward when he attains majority or when a civil Court declares that he is no more insane etc.

32. Section 3(a) defines the term “Ward” to mean *any person whose property or whose person and property has or have been taken under the custody and superintendence of the Court of Wards under this Act or by a Firman of HEH the NIZAM passed before the commencement of the Constitution of India or an owner whose property has been notified under Section 13 to have been taken under the Superintendence of the Court of Wards.*

33. Thus from the scheme of the said Act, it is clear that where owners of the land are disqualified to manage the same or where the successors to the owners are minors, the Act permits management by the State through the District Collector for some time. On account of such management, the property in question does not cease to be private property and cannot become Government property, which can be subject matter of a notification under Section 22-A (1) (e) of the Registration Act, 1908.

34. Admittedly the earlier CCLA in his reference No.NA1/181/2012 dt.14.02.2014 specifically recorded that there is *no specific evidence that has been adduced or referred to, to declare them as lands of Court of Wards; and even if they are lands under the Court of Wards, they do not become Government lands and cannot be declared under Section 22-A of the Registration Act, 1908.*

35. In the instant case also, there is no evidence that any Firman was issued by HEH the NIZAM in respect of this land and there is no evidence that any “Ward” of the Court is the owner of the subject property or any proceeding in respect of this land pending before the Court of Wards.

36. To a specific question from the Court whether there is any other material available the CCLA to come to the conclusion that ‘some matters are pending before the Court of Wards’, the Advocate General stated that no new material is available with the respondents.

37. When it was impossible for the District Collector to verify whether or not the lands in question were under the control of the Court of Wards at any point of time, and when there is no other material to prove that they under the control of the Court of Wards before the CCLA, it is shocking

that the CCLA callously states that the ‘matter is pending before the Court of Wards’ as one of the grounds to invoke Sec.22A(1) (e) of the Registration Act,1908.

B. C. The State cannot invoke Section 22-A and claim title to private lands

38. According to the District Collector, Ranga Reddy’s report dt.31.08.2015 referred to in the letter dt.09.02.2016 of the CCLA, the lands were declared as Arazi Maqthas in the Gazette dt.15.02.1956 and it is also revealed that as per Revenue records only the name of Sri Budram Singh and his successors are found from 1946-47 onwards in Sethwar and Pahanis; and he and his successors have declared lands of Parvathpur Salarjung Kancha has surplus. This is reiterated in the subsequent report of the District Collector, Ranga Reddy dt.28.07.2016 quoted in the proceedings CCLA’s letter No.NA1/181/2012 dt.29.11.2016 also.

39. Only land of Ac.6.10 gts., in Sy.No.1/P, Ac.17.15 gts. in Sy.No.10 and Ac.15.10 gts. in Sy.No.11 of Parvathpur village is ceiling surplus land according to the said report which states that this Ac.38.35 gts. alone is the surplus land and the rest is not according to the earlier CCLA’s proceeding dt. 14.2.2014.

40. In a counter affidavit filed by the Mandal revenue Officer, Ghatkesar Mandal in W.A.No.1855 of 2002 (filed against order in W.P.No.11440 of 2002) it is categorically admitted that the land in S.No.s 1-21 of Kancha Parvathpur are patta lands except Ac.38.35 gts in S.No.s1/A, 10 and 11 thereof which are ceiling surplus lands. He also states that there is no Government interest involved in respect of lands in S.No.s 2-9 and 12-21 of the said village. This is also not disputed by the learned Advocate General.

41. Therefore, it is not open for the CCLA in his proceedings dt.29.11.2016 to say that the entire lands of Ac.362.15 gts. in Sy.Nos.1 to 21 at Kancha Parvathpur village are ceiling surplus lands and the State Government can treat them as it's lands and invoke Sec.22A(1) (e).

42. I am also of the view that the State cannot declare its own title on executive side without recourse to Courts. This aspect has been decided in **Kutchi Lal Rameshwar Ashram Trust Evam Anna Kshetra Trust v. Collector, Haridwar**¹ where the Supreme Court considered whether administrative authorities of the State can adjudicate upon matters of title involving civil disputes. It held that it would be destructive of the Rule of law and that an adjudicatory function to decide titles cannot be arrogated to the State by itself . It declared that adjudication on titles must follow recourse to the ordinary civil jurisdiction of a Court of competent jurisdiction under Section 9 of the CPC. The Court held :

“24. The basic issue which has to be addressed in the light of the above principles is whether the Collector had jurisdiction to decide a question of title by assuming to himself the power of an adjudicatory forum. The order of the Collector indicates that the issue as to whether the property would vest in the State Government as a result of a failure of heirs within the meaning of Section 29 was a seriously disputed issue turning upon an adjudication of conflicting claims. In the process of determining the issue purportedly under Section 29, the Collector has adjudicated upon various factual matters including (i) whether the property was purchased in 1955 by Mohan Lal with the funds provided by Swamy Udhav Das; (ii) the legality of the registered will stated to have been executed by the Swamy on 22-10-1956; (iii) the identity of the person who executed the deed of acceptance dated 23-3-1958 in comparison with the person in whose name the patta had been acquired in 1955; (iv) whether Mohan Lal died prior to the execution of the deed of trust on 11-11-1957; and (v) whether a presumption in regard to the death of Mohan Lal would arise upon his not being heard of

¹ (2017) 16 SCC 418

allegedly for seven years. The Collector has proceeded to adjudicate on these, among other, factual issues. Section 29, it may be noted, embodies a principle but does not provide a procedural mechanism for adjudication upon disputed questions. The canvas of the controversy before the Court is an abundant indication of matters which were seriously in dispute. The contention of the State that the property would devolve upon it as a result of Mohan Lal being presumed to be dead and having left behind no legal heir is seriously in question. Such a matter could not have been adjudicated upon by the Collector by assuming to himself a jurisdiction which is not conferred upon him by law.

25. The principle that the law does not readily accept a claim to escheat and that the onus rests heavily on the person who asserts that an individual has died intestate, leaving no legal heir, qualified to succeed to the property, is founded on a sound rationale. Escheat is a doctrine which recognises the State as a paramount sovereign in whom property would vest only upon a clear and established case of a failure of heirs. This principle is based on the norm that in a society governed by the Rule of Law, the court will not presume that private titles are overridden in favour of the State, in the absence of a clear case being made out on the basis of a governing statutory provision. To allow administrative authorities of the State—including the Collector, as in the present case—to adjudicate upon matters of title involving civil disputes would be destructive of the Rule of Law. The Collector is an officer of the State. He can exercise only such powers as the law specifically confers upon him to enter upon private disputes. In contrast, a civil court has the jurisdiction to adjudicate upon all matters involving civil disputes except where the jurisdiction of the court is taken away, either expressly or by necessary implication, by statute. In holding that the Collector acted without jurisdiction in the present case, it is not necessary for the Court to go as far as to validate the title which is claimed by the petitioner to the property. The Court is not called upon to decide whether the possession claimed by the Trust of over forty-five years is backed by a credible title. The essential point is that such an adjudicatory function could not have been arrogated to himself by the Collector. Adjudication on titles must follow recourse to the ordinary civil jurisdiction of a court of competent jurisdiction under Section 9 of the Code of Civil Procedure, 1908.”(emphasis supplied)

43. In view of the above settled legal position, it is not open to the CCLA in his proceedings dt.29.11.2016 or for the State Government in the impugned G.O.Ms.No.187 Revenue (Registration-I) Department

dt.22.8.2017, to claim the entire subject land is Government land and invoke Sec.22A(1) (e) of the Registration Act,1908.

44. I also hold that if any legal heirs of Salarjung Bahadur-III or other third parties want the said lands, they have to take recourse to due process of law and recover possession of the same from the members of the petitioner society and cannot approach the State Government; and the CCLA cannot advise the State Government (1st respondent) to invoke provisions of Section 22-A of the Registration Act, 1908, and direct publication of notification thereunder vide his letter No.NA1/181/2012 dt.29.11.2016 on the pretext that lands are valuable lands, Court cases are pending and matter is pending before the Court of Wards.

45. In the above circumstances I hold that the invocation by the State Government of its power under Sec.22-A (1) (e) of the Registration Act,1908 to issue the impugned notification is nothing but a gross abuse of power without any bona fides to the detriment of the petitioner Society and others who claim title and possession to the subject lands.

46. So the W.P. No.39825 of 2017 is allowed with costs of Rs.25,000/- to be paid by the 1st respondent to the petitioner Society; I.A. No.1 of 2018 filed by respondents is dismissed; Lr. No.NA1/181/2012 dt.09.02.2016 and Lr. No.NA1/181/2012 dt. 29.11.2016 of the Chief Commissioner of Land Administration, State of Telangana, Hyderabad (2nd respondent) are set aside; G.O.Ms. No.187 Revenue (Registration-I) Department dt.22.08.2017 issued under Section 22-A (1) of the Act by the 1st respondent is declared as arbitrary, illegal and without jurisdiction and is set aside as regards Ac.324.11 gts in S.No.s 2-9 and 12-21 of Parvathpur

village, Ghatkesar Mandal, Medchal Malkajgiri District and as valid for extent of Ac. 38.35 gts. comprising Ac.6.10 gts., in Sy.No.1/P, Ac.17.15 gts. in Sy.No.10 and Ac.15.10 gts. in Sy.No.11 of the said village.

C.C.No.2814 of 2017:

47. This Contempt Case is filed by the petitioner in W.P. No.39825 of 2017 to punish the respondents therein under Section 12 of the Contempt of Courts Act, 1971 for willful disobedience of the order dt.27.11.2017 in WPMP. No.49379 of 2017 in W.P. No.39825 of 2017 suspending until further orders G.O.Ms.No.187 Revenue (Registration-I) Department, dt.22.08.2017.

48. It is the contention of the petitioner that in spite of the interim suspension granted in the above order of G.O.Ms.No.187 Revenue (Registration-I) Department, dt.22.08.2017, the respondents did not register any documents presented by the members of the petitioner Society.

49. However, since I.A. No.1 of 2018 filed by the respondents to vacate the said interim order was pending before this Court, and was dismissed in this very order, I do not propose to punish the respondents for violating the said interim order.

50. Accordingly, the C.C. No.2814 of 2017 is dismissed. No costs.

W.P. No.39232 of 2017:

51. In this Writ petition, the petitioners challenge the inaction of the respondents in not passing orders on the representation dt.25.09.2017 made by the 2nd petitioner pursuant to G.O.Ms.No.187 Revenue

(Registration-I) Department dt.22.08.2017 and the subsequent circular N.Dis.No.G3/5453/2017, dt.07.09.2017 in respect of the land of extent Ac.362.15 gts. in Sy.Nos.1 to 21 of Kanchaparvathpur village, Ghatkesar Mandal, Medchal Malkajgiri District. It is the contention of the petitioner that this G.O. and the subsequent circular are illegal, arbitrary and violation of Articles 14, 21 and 300-A of the Constitution of India.

52. On 27.11.2017 in W.P.MP. No.48662 of 2017 in W.P. No.39232 of 2017, this Court suspended until further orders G.O.Ms.No.187 Revenue (Registration-I) Department, dt.22.08.2017. I.A. No.1 of 2018 is filed by the respondents to vacate the said order.

53. In the earlier portion of this common order, in W.P. No.39825 of 2017, I have declared G.O.Ms. No.187 Revenue (Registration-I) Department dt.22.08.2017 issued under Section 22-A (1) of the Act by the 1st respondent as arbitrary, illegal and without jurisdiction and set it aside as regards Ac.324.11 gts in S.No.s 2-9 and 12-21 of Parvathpur village, Ghatkesar Mandal, Medchal Malkajgiri District and as valid for extent of Ac. 38.35 gts. comprising Ac.6.10 gts., in Sy.No.1/P, Ac.17.15 gts. in Sy.No.10 and Ac.15.10 gts. in Sy.No.11 of the said village.

54. Therefore, the reasons alike this Writ Petition is also allowed with costs of Rs.25,000/- to be paid by respondents herein to the petitioners and G.O.Ms. No.187 Revenue (Registration-I) Department dt.22.08.2017 issued under Section 22-A (1) of the Act by the 1st respondent is declared as arbitrary, illegal and without jurisdiction and is set it aside as regards Ac.324.11 gts in S.No.s 2-9 and 12-21 of Kancha Parvathpur village, Ghatkesar Mandal, Medchal Malkajgiri District and as valid for extent of Ac. 38.35 gts. comprising Ac.6.10 gts., in Sy.No.1/P, Ac.17.15 gts. in

Sy.No.10 and Ac.15.10 gts. in Sy.No.11 of the said village; I.A. No.1 of 2018 is dismissed.

C.C. No.233 of 2018:

55. This Contempt Case is filed by the petitioners in W.P. No.39232 of 2017 to punish the respondents for willful disobedience of the order dt.27.11.2017 in W.P.MP. No.48662 of 2017 in W.P. No.39232 of 2017 suspending until further orders G.O.Ms.No.187 Revenue (Registration-I) Department, dt.22.08.2017.

56. It is their contention that in spite of the said interim order, the petitioners were not permitted to register documents presented by them for registration by the respondent herein.

57. Since I.A. No.1 of 2018 filed by the respondents to vacate the above interim order is dismissed today as mentioned above, , I do not propose to punish the respondents for violating the said interim order.

58. Accordingly, the C.C. No.233 of 2018 is dismissed. No costs.

Conclusion:

59. In the result,

(a) the W.P. No.39825 of 2017 is allowed with costs of Rs.25,000/- to be paid by the 1st respondent to the petitioner Society; I.A. No.1 of 2018 filed by respondents is dismissed; Lr. No.NA1/181/2012 dt.09.02.2016 and Lr. No.NA1/181/2012 dt. 29.11.2016 of the Chief Commissioner of Land Administration, State of Telangana, Hyderabad (2nd respondent) are set aside; G.O.Ms. No.187 Revenue (Registration-I) Department dt.22.08.2017 issued under Section 22-A (1) of the Act by the 1st respondent is declared as arbitrary, illegal and without jurisdiction and

is set aside as regards Ac.324.11 gts in S.No.s 2-9 and 12-21 of Parvathpur village, Ghatkesar Mandal, Medchal Malkajgiri District and as valid for extent of Ac. 38.35 gts. comprising Ac.6.10 gts., in Sy.No.1/P, Ac.17.15 gts. in Sy.No.10 and Ac.15.10 gts. in Sy.No.11 of the said village;

(b) Writ Petition No.39232 of 2017 is also allowed with costs of Rs.25,000/- to be paid by respondents herein to the petitioners and G.O.Ms. No.187 Revenue (Registration-I) Department dt.22.08.2017 issued under Section 22-A (1) of the Act by the 1st respondent is declared as arbitrary, illegal and without jurisdiction and is set it aside as regards Ac.324.11 gts in S.No.s 2-9 and 12-21 of Kancha Parvathpur village, Ghatkesar Mandal, Medchal Malkajgiri District and as valid for extent of Ac. 38.35 gts. comprising Ac.6.10 gts., in Sy.No.1/P, Ac.17.15 gts. in Sy.No.10 and Ac.15.10 gts. in Sy.No.11 of the said village; I.A. No.1 of 2018 is dismissed.

(c) C.C. No.2814 of 2017 and C.C. No.233 of 2018 are dismissed. No costs.

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

JUSTICE M.S. RAMACHANDRA RAO

Date: 03.06.2018
LSK