

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.22831 and 23093 OF 2022

COMMON ORDER: (ORAL)

Since the issue involved in both these writ petitions is one and the same, both these writ petitions are being heard together and disposed of by this common order.

2. The petitioner in W.P. No.22831 of 2022 claims to be absolute owner and possessor of the property bearing Plot No.60/B admeasuring 1428.5 square yards in Survey No.113/1 and 2 situated at Gachibowli Village, Serlingampally, Ranga Reddy District, Telangana State, which was approved by final layout *vide* Lr.No.11273/HUDA/MP2/90 dated 18.05.1993, having purchased the same through agreement of sale-cum-GPA *vide* document No.4152 of 2010, dated 07.06.2010, executed by K.Jaya Lakshmi and G.Vasundra Devi.

3. In W.P. No.23093 of 2022, petitioner No.1 claims to be absolute owner and possessor of the property bearing Plot No.43 admeasuring 267 square yards, having purchased the same through registered sale deed *vide* document No.738/1992, dated 17.01.1992. Petitioner No.2 claims to be absolute owner and possessor of the property bearing Plot. No.44 admeasuring 267

square yards, having purchased the same through registered sale deed vide document No.736/1992, dated 17.01.1992. Likewise, petitioner No.3 claims to be the absolute owner and possessor of the property bearing Plot. No.45 admeasuring 267 square yards, having purchased the same through registered sale deed vide document No.737/1992, dated 17.01.1992, altogether 801 square yards as one unit in Survey Nos. 113/1 and 2 situated at Gachibowli Village, Serlingampally, Ranga Reddy District. The vendors of petitioner Nos.1 to 3 in WP.No.23093 of 2022 are K.Vijayalaxmi W/o. K.Nagabhushanam and G.Vasundara Devi W/o. G.Venkateshwara Rao.

4. It is submitted by learned counsel for the petitioners that the plots purchased by the petitioners form a part of layout and the petitioners obtained sanctioned plan for the said plots vide File No.2/SL/1828/2018, Permit No.2/C20/04116/2019, dated 11.03.2019. The petitioners are in peaceful possession of the subject properties since 2010. In the year 2008, Urban Land (Ceiling & Regulation) Act, 1976 (for short, 'the Act') was repealed. Several houses were constructed in the colony named as JV Colony and ULC authorities never interfered in possession of

owners who have constructed the houses. In the month of April, 2022, the respondents have put up a sign board in front of petitioner's property, claiming that the land is a surplus land and belongs to ULC authorities, and had been harassing the petitioners. It is submitted that original vendor of the petitioners' plots is one G.Venkateshwar Rao, who filed ULC Appeal vide No.HYD/110/1995, and finally the said appeal along with another ULC appeal vide No.Hyd/80/2001 was allowed on 06.11.2001 by the Commissioner, Land Administration, holding that the declarants in Ceiling Case No.H1/7323/76 and Ceiling Case No.H1/5543/76 do not hold any excess land in Urban Ceiling Land.

5. In the counter filed by respondent No.3 in these two writ petitions, it is stated that two declarations were filed by G. Venkateshwar Rao (CC. No.H1/7323/76) and K. Nagabhushanam (CC.No.H1/5543/76) declaring the land to an extent of Ac.17.12 guntas (which was purchased by their respective wives, namely, Smt. Gottipati Vasundhara Devi and Smt. Kolli Vijayalaxmi under registered sale deeds bearing document Nos.956/1965 dated 21.10.1965 and 960/1965 dated 21.10.1965 respectively) in Survey

No.113 situated at Gachibowli Village, Serlingampally Mandal, Ranga Reddy District, along with other properties. It is further submitted that in Ceiling Case No.H1/7323/76, final orders under Section 8(4) of the Act were passed on 22.03.1995, and in Ceiling Case No.H1/5543/76, notice under Section 10(5) of the Act was issued on 04.12.1999. The declarant G.Venkateshwar Rao in Ceiling Case No.H1/7323/76 has filed an appeal under Section 33 of the Act *vide* ULC Appeal No.HYD/110/1995 before the Commissioner, Appeals, challenging the determination of surplus land of 26,770.87 square meters in Survey Nos.103 & 113 situated at Gachibowli Village in Hyderabad Agglomeration, made by the Special Officer and Competent Authority, Hyderabad, *vide* orders dated 22.03.1995 passed under Section 8 (4) and 9 of the Act. In both the cases, the lands were computed to the holdings of the above two declarants under the Act and orders under Section 8 (1) of the Act were issued determining the land to an extent of Ac.8.26 guntas each as surplus land. It is also stated that K. Anup Kumar, the son of the declarant in C.C.No.H1/5543/76, has filed separate appeal under Section 33 of the Act *vide* ULC Appeal No.HYD/80/2001 challenging the notice issued under Section 10(5) of the Act on 04.12.1999. The appellate authority allowed

two appeals and set aside the ULC proceedings and declared both the declarants as non surplus holders *vide* common appeal order dated 06.11.2001 in ULC Appeal Nos.HYD/110/1995 & 80/2001.

6. It is submitted by the learned Government Pleader for Assignment that as the Urban Land (Ceiling and Regulation) Repeal Act, 1999, came into force, both the proceedings/cases stood abated. However, on verification of the office record, it was noticed that one Smt. B. Lingamma sold away the land in Survey No.113 of Gachibowli Village to the wives of the above two declarants through registered sale documents. Smt. B. Lingamma also filed declaration in Ceiling Case No.H/5306/76 declaring the lands held by her in various survey numbers to an extent of 22.00 Guntas, equivalent to 89,132.09 square meters, situated in Gachibowli Village, however, survey number 113 of Gachibowli Village was not mentioned in her declaration.

7. It is further submitted that the Ceiling Case No.H1/5306/76 was processed upto 10(6) stage and the authority passed orders on 10.03.2008 and possession to an extent of 1,26,778.29 square meters in Survey Nos.1, 2, 3, 4, 5, 7, 72, 74, 75, 78, 82, 98, 99, 101, 102, 111, 113 & 126 situated at Gachibowli Village was taken

over by the Enquiry Officer on 11.03.2008 and the same were in turn handed over to the Mandal Revenue Inspector, Serilingampally Mandal, Ranga Reddy District on 12.03.2008. It is submitted that J.V.Colony Welfare Association filed W.P.No.10470 of 2008 challenging the Gazette Notification No.264 dated 28.11.2005 and the Errata Gazette Notification No.14 dated 18.01.2008 in so far as it relates to Survey No.113 admeasuring Ac.17.13 guntas known as J.V. Colony, Gachibowli, which is pending adjudication.

8. Learned Government Pleader, by referring to paragraph 11 of the counter affidavit, fairly submitted that the issue was brought to the notice of the Principal Secretary to Government on 10.10.2003 stating that C.C.Nos.H/7323 & 5543/76 were filed by Sri G.Venkateshwara Rao and Sri K.Nagabushanam and they were declared as non-surplus holders *vide* Appeal Orders No.HYD/110/95 & 80/2001 dated 06.11.2001. However, no further orders were received from the Government.

9. It is further submitted by the learned Government Pleader that as per records in Ceiling Case No.H1/5306/76 of Smt B.Lingamma, the land in Survey No.113 of Gachibowli Village

was computed to her holding even though the declarant has not declared Survey No.113 of Gachibowli Village in her declaration and was declared as surplus. That based on records it is noticed that land in Survey No.113 was computed to the holding of declarant though she has sold the same prior to commencement of ULC Act, 1976. The order has become final and, in pursuance of the same, possession was taken on dated 11.03.2008.

10. It is not in dispute that the original vendor of the petitioners' are Smt. Gottipati Vasundhara Devi W/o. G. Venkateshwar Rao and Smt. Kolli Vijayalaxmi, W/o. K. Nagabhushanam and Appeal Nos.HYD/110/1995 and 80/2001 filed by the declarants/LRs have been allowed in respect of the land to an extent of Ac.8.26 Guntas each (total Ac.17.12 guntas), which includes the plots of the petitioners, in Sy.No.113 of Gachibowli Village, Serilingampally Mandal, Ranga Reddy District. Thus, the plots of the petitioners are non-surplus lands. It is not explained by the learned Government Pleader for Assignment as to how the petitioners, who admittedly purchased the subject plots from the above referred persons, have any link with the declarant B. Lingamma in CC.No.H1/5306/76. It is surprising to note that the respondents

wrongly computed the land in Survey No.113 to the holding of declarant despite the fact that she sold the same to third parties prior to ULC Act coming into force. The said fact is impliedly admitted in para 12 of the counter affidavit of respondent No.3. Thus, interference of the respondents with the possession of the petitioners on the premise that Survey No.113 of Gachibowli Village is also included in surplus lands of B.Lingamma is illegal, unwarranted and unsustainable.

11. Accordingly, the writ petitions are allowed as prayed for. The respondents are directed not to interfere with the possession of the petitioners in respect of the property bearing Plot No.60/B admeasuring 1428.5 sq. yards, Plot No.43 admeasuring 267 sq. yards, Plot No.44 admeasuring 267 sq. yards and Plot No.45 admeasuring 267 sq. yards, respectively, in Survey Nos.113/1 and 2 situated at Gachibowli Village, Serilingampally, Ranga Reddy District.

As a sequel thereto, miscellaneous petitions, if any, pending in these writ petitions shall stand closed. No order as to costs.

B. VIJAYSEN REDDY, J

December 05, 2022

NSP