

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 13262 OF 2015

Between:

1. Sri Sriramshetty Srinivasa Rao, S/o. S.Venkateshwara Rao, Aged : 67 years
Occ : Managing Director - APITCO Ltd (Retd.)
2. Smt Sriramshetty Rama Devi, W/o.Srinivasa Rao, Aged : 60 Years, Occ :
House Hold.
3. Sri Sriramshetty Rajesh, S/o.Sri S.Srinivasa Rao, Aged : 38 Yrs, Occ : Private
Service.

All are R/o. H.No. 3-4-827, Flat No.402, Sai Surabhi Laxmi Apartments,
Barkathpura, Street No.1, Hyderabad-500 036.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue
Department-ULC, Secretariat Building, Hyderabad.
2. The Special Officer and Competent Authority, Urban Land Ceiling,
Hyderabad, III Floor, Chandravihar, Nampally, Hyderabad.
3. The District Collector, Ranga Reddy District, at Lakdipool, Hyderabad.
4. The Revenue Divisional Officer, Malkajgiri Division, Ranga Reddy District, at
Hyderabad.
5. The Tahsildar, Alwal Village, Malkajgiri Mandal, Ranga Reddy District,
Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction, one more particularly in the nature of a "Writ of Mandamus" declaring the action of Respondents in arriving the Petitioners Agricultural land to an extent of Ac.1.33 Guntas in Sy.No.574 of Alwal Village, Malkajgiri Mandal, Ranga Reddy District as excess vacant land to the holdings of a dead declarant in proceedings No.CC.No.G1/13089/76 dated 23.12.2005 is without jurisdiction, behind back of petitioners on the basis of fraudulent panchanama with antedate as 27.04.2006 after repeal Act and stating

that it has taken over possession on paper on 27.04.2006 completely deviating the statutory provisions, principles of natural justice violating the statutory provisions of the Repeal Act, No.33 of 1976 as without jurisdiction, illegal, arbitrary, malafide

I.A. NO: 1 OF 2015(WPMP. NO: 17438 OF 2015)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents not to interfere with the peaceful possession and enjoyment of the Petitioners land over an extent of Ac.1.33 Guntas in Sy.No.574 of Alwal Village, Malkajgiri Mandal, Ranga Reddy District, pending the disposal of the writ petition.

Counsel for the Petitioner: SRI P. SRI HARSHA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.13262 of 2015

ORDER:

This writ petition is filed to declare the action of the respondents in claiming the land of the petitioners admeasuring Ac.133 guntas in Sy.No.574 of Alwal village, Malkajgiri Mandal, Ranga Reddy District, as excess vacant land computed to the holding of a dead person in proceedings No.CC.No.G1/13089/76 dated 23.12.2005 as being illegal and arbitrary.

2. The petitioners claim to have purchased the subject land under registered sale deed dated 02.12.2004 and that the vendors of the petitioners acquired title vide proceedings of the Revenue Divisional Officer in proceedings No.3201/1995 dated 29.12.1995. The vendors of the petitioners were also issued pattadar pass books and title deeds. After purchase of the subject land, petitioners were issued pattadar pass books and title deeds. While so, the respondents inspected the subject land in the month of December 2015 claiming that the land has been declared surplus under the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the ULC Act'). Petitioners made an application dated 19.01.2015 under the Right to Information Act and vide proceedings dated 24.02.2015, the petitioners were furnished with the impugned proceedings.

3. The petitioners were not aware of the orders passed by the Special Officer and Competent Authority in C.C.no.G1/13087 to 13092/76, G1/8931 to 8938/76, G1/8920/76, G1/8297, 8928, 8924 and 8926/76 dated 23.12.2005. The original owner, namely, Ghulam Ahmed, had alienated the agricultural land of Ac.1.33 guntas in Sy.No.574 of Alwal village in favour of the vendors of the petitioners, who, in turn, had sold the same in favour of the petitioners. The orders under Sections 8(1) and 8(4) of the ULC Act were passed behind the back of the petitioners. Thereafter, notification under Sections 10(5) and 10(6) of the ULC Act were issued without notice to the petitioners. The petitioners had been in actual and physical possession of the subject land.

4. The Government has erroneously passed orders under G.O.Ms.No.580 Revenue (UC.II) Department dated 04.05.2005 setting aside the orders of the respondent No.2 in the declarations dated 30.01.1996 without issuing notice to the petitioners, who are interested persons. The revisional jurisdiction was invoked under Section 34 of the ULC Act *suo motu* without following the principles of natural justice. The orders passed under Section 34 of the ULC Act by issuing G.O.Ms.No.580 dated 04.05.2005 directing the Special Officer to re-determine the surplus treating all lands as vacant as on 17.02.1976 are illegal and unsustainable for the reason that ORC certificates were issued to Gulam Ahmed, original

vendor of the petitioners, only on 04.03.1983 and prior to that the land stood vested with the Government under Section 3 of the Andhra Pradesh (Telangana Area) Inam Abolition Act, 1955.

5. It is submitted that the declarant, Late Gulam Ahmed, filed declaration under Section 6(1) of the ULC Act declaring that he has no vacant land and he is having agricultural land including land in Sy.No.574. Before re-grant was made by the Inam Tribunal on 04.03.1983 in favour of Gulam Ahmed, the agricultural land cannot be computed to the holding of Gulam Ahmed taking the appointed date as 19.02.1976 as directed under G.O.Ms.No.580 dated 04.05.2006. The respondents have created fabricated panchanama dated 27.04.2006, which was prepared on 27.03.2008 after the repeal of the Principal Act, when Gulam Ahmed was no more.

6. Learned counsel for the petitioners submitted that the instant matter is covered by the judgment of this Court dated 05.03.2009 in WP.No.16803 of 2008, filed by the neighbour of the petitioners in respect of the lands in Sy.Nos.574, 575 and 564 of Alwal Village. It is further stated that another neighbour of the petitioners, who had lands in Sy.Nos.573 and 574, challenged the same proceedings in WP.No.24552 of 2008 and the same was allowed by order dated 17.03.2011 following the judgment in WP.No.16803 of 2008. In both the aforesaid writ petitions, G.O.Ms.No.580 dated

04.05.2005 whereunder ULC proceedings were reopened was struck down. The subject lands in WP.No.16803 of 2008 and in the instant writ petition are covered by declaration of Ghulam Ahmed in CC.No.G1/13089/76.

7. Learned Government Pleader submitted that the Government preferred an appeal, WA.No.28 of 2014, challenging the judgment in WP.No.16803 of 2008 wherein status quo order dated 15.12.2009 was passed.

8. The judgment dated 05.03.2009 in WP.No.16803 of 2008 was not suspended by the learned Division bench in WA.No.28 of 2014 and as noted above only interim order dated 15.12.2009 was passed directing both the parties to maintain status quo.

9. Thus, following the judgment dated 05.03.2009 passed in WP.No.16803 of 2008 and judgment dated 30.10.2009 passed in WP.No.18093 of 2008, this writ petition is allowed.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

That Rule Nisi has been made Absolute as above witness THE HON'BLE SRI. UJJAL BHUYAN, The Chief Justice on this Wednesday, the Eighteenth day of January, Two Thousand and Twenty Three.

**SD/- T. SRINIVAS
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department-ULC, Secretariat Building, Hyderabad.
2. The Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad, III Floor, Chandravihar, Nampally, Hyderabad.

3. The District Collector, Ranga Reddy District, at Lakdipool, Hyderabad.
4. The Revenue Divisional Officer, Malkajgiri Division, Ranga Reddy District, at Hyderabad.
5. The Tahsildar, Alwal Village, Malkajgiri Mandal, Ranga Reddy District, Hyderabad.
6. One CC to SRI P. SRI HARSHA REDDY, Advocate [OPUC]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CD Copies

BN

GJP

HIGH COURT

DATED:18/01/2023

ORDER

WP.No.13262 of 2015



ALLOWING THE WRIT PETITION
WITHOUT COSTS

⑪ VLV
24/1/23