

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

MONDAY, THE TWENTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 42242 OF 2017

Between:

1. Mrs. Shalini Sood Awasthi, W/o. Sri Samir Awasthi, Aged 50 years, Occupation Business, R/o. Flat No. 401, Tanman Apartments, D.V. Colony, Secunderabad-500 003. Rep. by through G.P.A. Holder, Sri Manish Kumar Awasthi, S/o. Sri B.L. Aswathi, aged about 51 years, R/o. Flat No. 404, Tanman Apartments, D.V. Colony, Ministers Road, Secunderabad-500 003.
2. Mrs Geeta Sood Makhija, W/o. Sri Dinesh Makhija, aged 52 years, R/o. 108, Russels Way Westford, U.S.A. 01886, represented through GPA holder Sri Pandit Shiv Shankar Tiwari, S/o. Late Pandit Bala Prasad Tiwari.

(Petitioner No.2 is impleaded as per C.O. dt. 21.10.2024 in I.A.No.1/2022)

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad.
3. The Collector, Ranga Reddy District, Urban Land Ceilings Hyderabad.
4. The Revenue Divisional Officer, Rajendra Nagar Revenue Division.
5. The Tahasildhar, Rajender Nagar Mandal, Ranga Reddy District.
6. The Tahasildhar, Gandipet Mandal, Narsingi, Ranga Reddy District.
7. The Hyderabad Metropolitan Development Authority, Hyderabad, Rep. by Vice Chairman and Managing Director.
8. Smt. Ritu Sood, Wife of T. Basava Raju, Resident of Flat No. 101, Door No. 8-2-703, Ebony, Amrutha Valley, Road No.12, Banjara Hills, Hyderabad-500 034.

...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 an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order under Section 8(1) of Urban Land Ceiling Act, 1976, dated- 18.07.2017, Order dated - 27.10.2007 under Section 8(4) of the Act, declaration under Section 10(3) of the Act, dated- 11.03.2008 in C.C.No. D/1199 and 1200 of 2007 and consequential proceedings including Panchanama dated- 26.03.2008 and G.O.Ms.No. 972, dated- 02.08.2008 and all consequential proceedings as being illegal, arbitrary, void, contrary to law and violative of Articles 14, 21 and 300-A of the Constitution of India, with respect to the land of the legal heirs of the original owner Smt. Surya Sood, admeasuring 18,414.69 Sq. Meters in Sy.No. 131, of Kismathpur Village, Rajendra Nagar Mandal (Presently under Gandipet Mandal), Ranga Reddy District, as being illegal, arbitrary and unconstitutional.

I.A. NO: 1 OF 2017(WPMP. NO: 52378 OF 2017)

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 grant interim directions to the Respondents not to interfere with the possession of the petitioner over the property i.e., land admeasuring 18,414.69 Sq. Meters in Sy.No.131, of Kismathpur Village, Rajendra Nagar Mandal (presently under Gandipet Mandal), Ranga Reddy District, pending disposal of the above Writ Petition.

I.A. NO: 2 OF 2017(WPMP. NO: 52379 OF 2017)

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 grant stay of operation of Order under Section 8(1) of Urban Land Ceiling Act, 1976, dated: 18.07.2007, Order dated: 27.10.2007 under Section 8(4) of the Act, declaration under Section 10(3) of the Act, dated: 25.02.2008, Notice under Section 10(5) of the Act, dated: 11.03.008 in C.C.No. D/1199 & 1200 of 2007; and consequential proceedings including Panchanama dated: 26.03.2008 and G.O.Ms.No. 972, dated: 02.08.2008 and all consequential proceedings as being illegal, arbitrary, void, contrary to law and violative of Articles 14, 21 and 300-A of the Constitution of India, with respect to the land of the legal heirs of the original owner Smt. Surya Sood, admeasuring 18,414.60 Sq. Meters in Sy.No. 131, of

Kismathpur Village, Rajendra Nagar Mandal, Ranga Reddy District, pending disposal of the above Writ Petition.

**Counsel for the Petitioner: SRI C.RAGHU, Sr. COUNSEL, REP. FOR
M/s. G.RAMA MANOJA**

**Counsel for the Respondent No.1 to 6: SRI CHALAPATHI RAO,
GP FOR ASSIGNMENT**

Counsel for the Respondent No.7: M/s. D.MADHAVI, SC FOR HMDA

Counsel for the Respondent No.8: SRI CH.JANARDHAN REDDY

The Court made the following; ORDER :

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.42242 of 2017

ORDER:

The writ petition is filed to declare the order passed by the respondent No.2 – Special Officer and Competent Authority, Urban Land Ceiling, under Section 8(1) of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the ULC Act'); order dated 27.10.2007 passed under Section 8(4) and declaration under Section 10(3) dated 11.03.2008 of the ULC Act in CC.No.D/1199 and 1200 of 2007 and consequential proceedings including Panchanama dated 26.03.2008 and G.O.Ms.No.972 dated 02.08.2008 and all other consequential proceedings, as being illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India.

2. The writ petition was initially filed by the sole petitioner. Subsequently, IA.No.1 of 2022 was filed seeking impleadment of one Mrs. Geeta Sood Makhija as petitioner No.2, which was allowed by order dated 21.10.2024. Thus, petitioner No.2 was brought on record.

3. For the sake of convenience, the facts, as pleaded, before impleadment of petitioner No.2, are referred to as under:

(a) The claim of the petitioner is that she is one of the three legal heirs of late Mrs. Surya Sood, the original owner of land

admeasuring Ac.11.26 guntas in Sy.No.131 of Kismathpur Village of Gandipet Mandal (erstwhile Rajendra Nagar Mandal). Mrs. Surya Sood purchased the said land from M/s. Atul Pharma and Surgical and Dressing Company under registered Sale Deed bearing document No.916/1968 dated 17.07.1968. The name of Surya Sood was recorded in the pahanies as pattedar and possessor of the above land. During her life time, she had sold away an extent of Ac.4.00 guntas to Smt. Y. Nirmala Chiranjeevi Reddy vide registered Sale Deed bearing document No.1445 of 1992 and Ac.3.00 guntas to Sri Y. Chiranjeevi Reddy under registered Sale Deed bearing document No.4207 of 1992. After the said sale, the mother of the petitioner was left with an extent of land admeasuring Ac.4.26 guntas. The mother of the petitioner expired in the year 1992 and father Sri. Satdev Sood expired in the year 1993, leaving behind the elder sister, Mrs. Ritu Sood and younger sister, Geeta Sood and the petitioner as the only legal heirs and they have inherited $1/3^{\text{rd}}$ equal share in their properties including the subject land.

(b) It is stated that the petitioner got married in the year 1989 and moved out of India. The respondent No.8, (elder sister of the petitioner), who is resident of Hyderabad, was looking after the affairs of the properties. The younger sister of the petitioner is settled in United States. Recently, the petitioner came to know that

the respondent No.8 sold the entire property admeasuring Ac.4.26 guntas, which was left by their mother. The sale, if any, is not binding on the petitioner as she is not a party to the same and she has 1/3rd share in the property along with the respondent No.8 and her younger sister. The petitioner obtained copies of pahanies, which reflected the name of the respondent No.8 as pattedar and possessor of the subject land in place of Smt. Surya Sood.

(c) It is submitted that the petitioner had been pursuing applications under Right to Information Act, 2005 for issuance of relevant revenue records and application before the survey authorities. During her enquiries, the petitioner came to know that the subject land is declared surplus land under the ULC Act and possession was taken over by Mandal Revenue Officer, Rajendra Nagar-respondent No.5. The petitioner made an application to respondent No.2 on 06.10.2017 under the RTI Act requesting to furnish relevant proceedings and documents pertaining to the subject land. The respondent No.5 furnished the proceeding No.D/1199 & 1200/07 dated 27.10.2007, G.O.Ms.No.972 dated 02.08.2008 and copy of the order in WPMP.No.15427 of 2016 in WP.No.12294 of 2016.

(d) It is submitted that declaring the land of the petitioner to an extent of 23,276 Sq. Meters as surplus is illegal and void, as no notice was issued to the petitioners and none of proceedings

are binding on her. The alleged purchasers have filed applications before the respondent No.2 for regularization of the surplus land in their favour on the strength of the fake and void sale deeds executed by the respondent No.8. It is settled law that the buyer can never get a better title than the vendor. The respondent No.8 herself had no right to sell the entire land that fell to their joint share.

(e) It is submitted that G.O.Ms.No.972 dated 02.08.2008 was issued by the Government whereby the respondent No.2 allotted part of the subject land in favour of Hyderabad Urban Development Authority [HUDA] for public purpose stating that the same is surplus land vested with the Government.

(f) It is submitted that the mother of the petitioner did not file declaration under Section 6(1) of the ULC Act. In fact, in the year 1976 when the Act came into force and the land in Sy.No.131 was earmarked as conservation zone. Notice under Section 6(2) of the ULC Act was not issued to Smt. Surya Sood or her legal heirs. The purchasers of the subject land, Y. Chiranjeevi Reddy and Smt. Y. Nirmala Reddy, applied for NOC in respect of Ac.7.00 guntas in Sy.No.131, of Kismathpur Village and on such application, the respondent No.2 alleges to have issued Section 6(2) notice to Smt. Surya Sood and her legal heirs on 05.06.2007 in Proceedings No.B/1199 & 1200/2007. No such notice was served

on Smt. Surya Sood or her legal heirs as is evident from paragraph No.3 of the Impugned order dated 18.07.2007 whereunder it is mentioned that the pattedar Smt. Surya Sood expired long back leaving behind her sons and daughters now residing at U.S.A. As a matter of fact, Smt. Surya Sood had only 3 daughters and no sons.

(g) Having enquired into the application of Mr. Y. Chiranjeevi Reddy and Smt. Y. Nirmala Reddy, the respondent No.2 held that the land falls in peripheral area of Hyderabad Urban Agglomeration and as per G.O.Ms.No.733 dated 31.10.1988, an extent of Ac.5.00 guntas is exempted and pattedar is entitled to retain an extent of 1000 Sq. Meters under Section 4(1)(b) of the ULC Act and pattedar is declared surplus to an extent of 23276 Sq. Meters.

(h) It is stated that draft statement under Section 8(1) of the ULC Act was issued calling for objections from Smt. Surya Sood. As a matter of fact, no such notice of the draft statement under Section 8(1) of the Act, dated 18.07.2007 was issued to Smt. Surya Sood or her legal heirs which is mandatory. Subsequently, Mr. Y. Chiranjeevi Reddy and Smt. Y. Nirmala Reddy said to have filed an objection to the draft order under Section 8(1) dated 18.07.2007 claiming that the land of Ac.7.00 guntas purchased by them was exempted under G.O.Ms.No.733 to an



extent of Ac.5-00 Guntas apart from 1000 Sq. Meters allowed under Section 4(1)(b) of the Act and areas left for roads and open spaces in the approved layout. Thus, exemption was given for a total extent of Ac.7.00 guntas purchased by Mr. Y. Chiranjeevi Reddy and Smt. Y. Nirmala Reddy. The original pattedar Smt. Surya Sood was held to be surplus land owner to an extent of 18414.69 Sq. Meters and accordingly, impugned Section 8(4) Order dated 27.10.2007 was allegedly issued. Consequently, Section 10(1) notification followed by Section 10(3) declaration are said to have been issued and later notice under Section 10(5) of the Act dated 11.03.2008 was allegedly issued to legal heirs of Smt. Surya Sood to deliver possession of surplus land by 25.03.2008. Subsequently, Panchanama dated 23.06.2008 was said to have been conducted allegedly taking over the possession of the surplus land. Later Government issued G.O.Ms.No.972 dated 02.08.2008 allotting an extent of 12890 Sq. Meters to the respondent No.7.

4. In the counter affidavit, filed by the respondent No.3, it is stated that he had been delegated the powers of the respondent No.2 vide G.O.Ms.No.157 Revenue (ULC) Department dated 14.06.2016 upon disbandment of the office of the Special Officer & Competent Authority, Urban Land Ceiling Wing, Hyderabad. It is averred as under in the counter affidavit:

(a) It is submitted that one Sri Chiranjeevi Reddy and Smt. Nirmala Reddy filed declarations under Section 6(1) of the ULC Act, 1976, declaring the land in Sy.No.131/Part admeasuring Ac.3.00 guntas and Ac.4.00 guntas, respectively, situated at Kismathpur Village, in C.C.Nos.D/1199/2007 and D/1200/2007. On verification of the revenue records, it was found that the land was recorded in the name of Smt. Surya Sood W/o. Satya Dev Sood, as such notice under Section 6(2) of the ULC Act was issued to Smt. Surya Sood. The Enquiry Officer vide report No.RSB/D/197/2007 dated Nil.06.2007 has reported that he had proceeded to serve 6(2) notice on Smt. Surya Sood, R/o.H.No.5-52, APHB, Indian Airlines Colony, Prakash Nagar, Hyderabad, as per the address shown in registered sale deeds executed by Smt. Surya Sood, but on that door number one Mr. G. Subba Rao is residing and Smt. Surya Sood has left and sold the said property last (22) years back and also reported that Smt. Surya Sood expired long back and her sons and daughters are residing in USA and for the said reason, the notice could not be served on her.

(b) It is submitted that the case was processed in the name of Smt. Surya Sood and Smt. Surya Sood did per LRs was declared as surplus holder to an extent of 23,276.00 Sq. Meters in Sy.No.131/Part in C.C.Nos.D/1199 & 1200/2007 while allowing an extent of 1000 Sq. Meters under Section 4(1)(b) of the ULC Act and

also an extent of 20,234.30 Sq. Meters was exempted in terms of G.O.Ms.No.733 dated 31.10.1988. Notice under Section 8(3) of the ULC Act was issued 18.07.2007 with a direction to the concerned parties to file objections within thirty (30) days. The said proceedings were affixed on the Door No.B-52, APHB, Indian Airlines Colony, Prakash Nagar, Hyderabad, as Smt Surya Sood is not residing in the said house and her address particulars are not known.

(c) It is submitted that in response to the said proceedings the purchasers i.e. Sri Chiranjeevi Reddy and Smt. Nirmala Chiranjeevi Reddy, filed petition on 10.08.2007, stating that Smt. Surya Sood was original holder of Sy.No.131 to an extent of Ac.11.26 guntas of Kismatpur Village. As the said persons purchased the land in contravention of Section 5(3) of the ULC Act, their petition has not been taken into consideration and final orders under Section 8(4) of the ULC Act was passed on 27.10.2007 declaring Smt. Surya Sood died per LR's as surplus holder to an extent of 18,414.69 Sq. Meters. Accordingly notification under Section 10(1) and declaration under Section 10(3) of the ULC Act were issued and published as required under the Act. Thereafter, notice under Section 10(5) of the ULC Act was issued on 11.03.2008 and the same was affixed at Sy.No.131 of Kismathpur village, duly conducting panchanama, as the address

particulars of Late Smt. Surya Sood and her LRs., were not known. Thereafter, orders under Section 10(6) of the ULC Act were issued and possession of the land to an extent of 18,414.69 Sq. Meters, was taken over under Government custody on 26.03.2008 under cover of panchanama. In turn, the surplus land to an extent of 12,890.00 sq. meters was handed over to HUDA (presently HMDA) on 16.09.2008 under cover of Panchanama vide G.O.Ms.No.972 Revenue (U.C.I) Department dated 02.08.2008 by the Government.

(d) It is submitted that the land holder Smt. Surya Sood has already sold the land in Sy.No.131 of Kismathpur Village to an extent of Ac.7.00 guntas to Smt. Y. Nirmala Chiranjeevi Reddy and Sri Y. Chiranjeevi Reddy, vide document Nos.1445/1992 and 4207/1992 and balance land of Ac.4.26 guntas was sold by the respondent No.8, Smt. Ritu Sood. It is submitted that after lapse of ten (10) years of issuing final orders under Section 8(4) of the ULC Act and after the Repeal Act, 1999, coming into force in the State of Andhra Pradesh, the present writ petition is filed challenging the ULC proceedings.

(e) It is submitted that notices issued under section 10(5) of the ULC Act was affixed at Sy.No.131 of Kismathpur village, duly conducting panchanama, notice under Section 6(2), statement under Section 8(1) and notice under 8(3) of the ULC Act were

affixed in the address mentioned in the registered sale deeds executed by the land owner Smt. Surya Sood as required under Section 5(2)(c) of the ULC Act. It is submitted that if the respondent No.8 has illegally sold the entire land including the shares of the petitioner and her younger sister without their knowledge, then the dispute between the petitioner and respondent No.8 has to be resolved before a competent civil Court. As the land owner, Smt. Surya Sood, failed to file any declaration under Section 6(1) of the ULC Act, the notice under Section 6(1) and thereafter, the orders passed under Sections 8(1) and 8(4) of the ULC Act have attained finality.

(f) The original owner and the respondent No.8 sold the entire land measuring Ac.11.26 guntas in Sy.No.131 of Kismathpur Village, to the third parties in contravention of Section 5(3) of the ULC Act and there is no land left over. Moreover, the writ petitioner has not filed any regularization applications in terms of G.O.Ms.No.455 Revenue (UC.I) Department dated 29.07.2002, G.O.Ms.No.456 Revenue (UC.I) Department dated 29.07.2002 and G.O.Ms.No.747 Revenue (UC.I) Department dated 18.06.2008 in respect of the above land. It is submitted that forty five (45) applications were filed under G.O.Ms.No.747 dated 18.06.2008 for regularization of ceiling surplus land, in Sy.No.131 of Kismathpur village, Gandipet Mandal, Ranga Reddy District, which was allotted

to HUDA, by paying requisite amount prescribed in the said G.O. The said applications are pending in various Court cases. In respect of lands in C.C.No.No.B/1199 & 1200/2007, WP.Nos.12294 of 2016, 14830 of 2016, 12921 of 2018, 39018 of 2018, 21305 of 2019 and WP.No.11344 of 2020 filed by various individuals. The petitioner does not have any title to subject land as entire land was sold as stated above and the writ petition is liable for dismissed.

5. Mr. C. Raghu, learned senior appearing for Ms. Rama Manoja, learned counsel for the petitioner, submitted that the impugned proceedings are illegal and void. The impugned proceedings do not reflect that notice under Section 6(2) of the ULC Act was issued to Smt. Surya Sood and order, if any, passed under Section 8(1) or 8(4) of the ULC Act. The averments in the counter affidavit run contrary to the impugned order dated 27.10.2007. Learned senior counsel submitted that though there is reference to Section 6(2) notice issued to Smt. Surya Sood in the impugned order, admittedly, there was no service of notice. Even according to the respondent authorities Smt. Surya Sood died, the details of her LRs are not known. The respondent No.2 ought to have conducted enquiry to find out the details of the LRs of Smt. Surya Sood. The name of the LRs are not mentioned in the notice and merely because in the enquiry it was found that the LRs have settled down

in USA, the same cannot be a ground to pass *ex parte* order contrary to the provisions of the ULC Act, without service of notice to the legal heirs of Smt. Surya Sood.

6. Mr. Chalapathi Rao, learned Government Pleader for Assignment submitted that as Smt. Surya Sood or her LRs were not available in the address mentioned in the sale deed executed by Smt. Surya Sood, the notice was served by affixture on the house and subsequently, orders under Section 8(1) and Section 8(4) of the ULC Act were passed and possession of the land was taken in accordance with law.

7. Heard Mr. C. Raghu, learned senior counsel for the petitioner and Mr. Chalapathi Rao, learned Government Pleader for Assignment.

8. It is seen from the impugned order dated 27.10.2007, passed under Section 8(4) of the ULC Act in proceedings CC.No.D/1199 and 1200 of 2007 of the respondent No.2, that statement was filed by Sri Y. Chiranjeevi Reddy and Smt Y. Nirmala Reddy under Section 6(1) of the ULC Act. Thereafter, enquiry was conducted and draft order under Section 8(1) of the ULC Act was issued determining 23,276 sq. meters in sy.No.131 of Kismathpur Village, as surplus land, while allowing 1000 sq. meters under Section 4(1)(b) of the ULC Act and an extent of 20,243.30



sq. meter in terms of G.O.Ms.No.733 dated 31.10.1988. The respondent No.2 noted the claim of Sri Y. Chiranjeevi Reddy and Smt Y. Nirmala Reddy that they are the first purchasers of the land and the original declarant is no more. They are constructing Nature Cure Hospital after taking permission for HUDA. Out of Ac.7.00 guntas, an extent of Ac.1.30 guntas of land is covered by internal roads and they requested to compute the remaining extent of land of Ac.5.10 guntas in their holding and also give the benefit of G.O.Ms.No.733 dated 31.10.1988. The holding of Smt. Surya Sood was determined as under:

1. Total holdings of Smt Soorya Sood W/o - 47,136.64 Sq.Mtrs
Sathya Dev Sood as per records of 1976
2. Extent of exempted as per G.O.Ms.No.733 - 20,230.32 Sq.Mtrs
dt.31-10-88
3. Extent allowed U/s 4(1)(b) of the Act 1976 - 1000.00 Sq.Mtrs
4. Extent left for road in the layout approved - 1,871.05 Sq.Mtrs
by HUDA for common use.
5. Extent left for open area as per HUDA - 5,620.58 Sq.Mtrs
approved layout for common use.

Total exempted area. 28,721.95 Sq.Mtrs

6. Net surplus land held by the - 18,414.69 Sq.Mtrs
declarant/Pattedar

Thus, the respondent No.2 held that Smt. Surya Sood is holding surplus land to an extent of 18,414.69 sq. meters.

9. It is the case of the respondents that Smt. Surya Sood died and notices under Section 6(2), 8(3) and 8(4) and subsequent

notices were served on the address mentioned in the sale deeds dated 01.02.1992 as per Rule 5(2)(c) of the Urban Land (Ceiling and Regulation) Rules, 1976 (for short 'the ULC Rules').

10. Rule 5(2)(c) of the ULC deals with the procedure for service of notice on the declarant, which is extracted below:

"5. Particulars to be contained in draft statement as regards vacant lands and manner of service of the same. -

(1) ...

(2) (a) ...

(b) ...

(c) Where the efforts to serve the draft statement and the notice, on the holder of the vacant lands or, as the case may be, any other person referred to in clause (a), in the manner specified in that clause is not successful for reasons other than the reason referred to in clause (b), the draft statement and notice shall be served by affixing copies of the same in a conspicuous place in the office of the competent authority and also upon some conspicuous part of the house (if any) in which the holder of the vacant lands or as the case may be, the other person is known to have last resided or carried on business or personally worked for gain."

11. It is relevant to point out that even according to the respondents by the time notice under Section 6(2) followed by draft statement under Section 8(3), orders under Section 8(4) and 10(6) of the ULC Act were issued, Smt. Surya Sood died. It is also

admitted by the respondents that Smt. Surya Sood was not residing the house mentioned in the address. Thus, enquiry ought to have been conducted to find out the address of Smt. Surya Sood/her legal heirs. The provision under Rule 5(2)(c) of the Rules mandates that notice should be served on the holder of the vacant land (residential or any other address). If it is not possible to serve notice, then the draft statement and the notice has to be affixed on the conspicuous part of the house (if any) in which holder of the vacant lands or the other person is known to have last resided or carried on business or personally worked for gain. In Para 3 of the counter affidavit, the respondent No.3 stated that notice under Section 6(2) of the ULC Act was served, on Smt. Surya Sood, at H.No.5-52, APHB, Indian Airlines Colony, Prakash Nagar, Hyderabad, wherein one Mr. G. Subba Rao was residing.

12. The service of notice, as contemplated under Rule 5(2)(c) of the Rules, on the last known address cannot be an empty formality. The last known address would mean the address where the addressee last resided and that the addressee still has the same address in official or other relevant records. It is totally baseless to contend that the address where Smt. Surya Sood, admittedly, did not reside by the time of service of notice under Section 6(2), draft statement under Section 8(1) and order under Section 8(4) of the ULC Act, can be treated as last known address. Added to that,

Smt. Surya Sood died by that time. Thus, it was mandatory for the respondent No.2 to find out the details of the legal heirs and their address and get the notice served. Even if the legal heirs have migrated to USA, the service of notice was not something impossible.

13. It is evident from the record that the entire proceedings from Section 6(2) till Section 8(4) and Section 10(6) of the ULC Act have been passed against a dead person (Smt. Surya Sood) and without service of notice on the legal heirs. Thus, the Impugned proceedings dated 27.10.2007 are vitiated and liable to be declared as void.

14. In view of the above, the writ petition is allowed setting aside the order passed by the respondent No.2 - Special Officer and Competent Authority, Urban Land Ceiling, under Section 8(1) of the Urban Land (Ceiling and Regulation) Act, 1976; order dated 27.10.2007 passed under Section 8(4); declaration under Section 10(3) dated 11.03.2008 of the ULC Act in CC.No.D/1199 and 1200 of 2007 and consequential proceedings including Panchanama dated 26.03.2008 and G.O.Ms.No.972 dated 02.08.2008.

15. As per the counter affidavit, there are some third party claimants, who have purchased lands in Sy.No.131 and covered by CC.No.D/1199 and D/1200 of 2007 and their regularization applications are pending. If they are so advised, the petitioners

may take necessary steps to get themselves impleaded and seek for appropriate orders in the pending writ petitions viz. WP.Nos.12294 of 2016, 14830 of 2016, 12921 of 2018, 39018 of 2018, 21305 of 2019 and WP.No.11344 of 2020, if their rights over the subject land are in any manner affected on account of claims made in the said writ petitions.

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

SD/-P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat, Hyderabad, State of Telangana.
2. The Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad.
3. The Collector, Ranga Reddy District, Urban Land Ceilings Hyderabad.
4. The Revenue Divisional Officer, Rajendra Nagar Revenue Division.
5. The Tahasildhar, Rajender Nagar Mandal, Ranga Reddy District.
6. The Tahasildhar, Gandipet Mandal, Narsingi, Ranga Reddy District.
7. The Vice Chairman and Managing Director, Hyderabad Metropolitan Development Authority, Hyderabad.
8. One CC to M/s. G.RAMA MANOJA, Advocate [OPUC]
9. One CC to SRI CH.JANARDHAN REDDY, Advocate [OPUC]
10. One CC to M/s. D.MADHAVI, SC FOR HMDA [OPUC]
11. Two CCs to GP FOR ASSIGNMENT, High Court for the State of Telangana at Hyderabad [OUT]
12. Two CD Copies

BSR
BS

HIGH COURT

DATED: 21/10/2024

ORDER

WP.No.42242 of 2017



ALLOWING THE WRIT PETITION,
WITHOUT COSTS

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