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

TUESDAY,THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

WRIT PETITION NO: 36733 OF 2025

Between:

Sahebzada Mohammed Moizuddin Khan, S/o Late Nawab Mohammed Ghouse Mohiuddin Khan Ghousuddin Khan, aged about 43 years, Occupation. Landlord and Legal Practitioner, R/o H.No.6-3-660/2, Flat No. 709, Amrit Apartment, Phase-II, Kapadia Lane, Somajiguda, Hyderabad - 500082, Telangana

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Dr.B.R. Ambekdar Secretariat, Hyderabad.
2. The District Collector, Hyderabad District, Lakdikapul, Hyderabad
3. The Revenue Divisional Officer, Hyderabad Division, Sri Balaji Enclave, Gosha Mahal, Nampally, Hyderabad.
4. The Deputy Collector and Tahsildar, Tirumulgiri Mandal, Tahsildar Office, Tirumalagiri, Address. 2-23-50, Hasmatpet Road, Arevalli Enclave, Parkview Enclave, Bowenpally, Secunderabad, Telangana - 500009
5. Mohammed Mustafauddin Khan, S/o Late Nawab Mohammed Ghouse Mohiuddin Khan Ghousuddin Khan, aged 57 years, Occupation. Business, R/o G4 Babu Khan Solitaire, Babu Khan Lane, Gachibowli, R.R. District, Telangana - 500032
6. Maliha Azam Izzathunnissa Begum, D/o Late Nawab Mohammed Ghouse Mohiuddin Khan Ghousuddin Khan, aged 57 years, Occupation. Business, R/o G4 Babu Khan Solitaire, Babu Khan Lane, Gachibowli, R.R. District, Telangana – 500032.

...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 or order or direction one more particularly in the nature of Writ of Mandamus declaring the action of the respondent No.4 in not cancelling steps the Family member certificate vide File No. Dis.No.F/14550/2001 dt. 03-12-2001, which is allegedly being misused by the respondent No.5 and 6 herein

before the Hon'ble courts of law and other government forums, withc,,t there being any official record of the family member certificate with the respondent No.4, which is confirmed by the respondent No.4 itself herein by considering the representation of the petitioner dated 29-05-2025 as arbitrary, illegal and violation of principles of natural justice apart from being violation of Article 14 and 21 of the Constitution of India and consequently direct the respondents 2 to 4 to pass necessary orders restraining the unofficial respondents No.5 and 6 from further misusing the Family member certificate vide File No. Dis.No.F/14550/2001 dt. 03-12-2001 retrospectively said to have been issued by the office of the respondent No.4.

IA NO: 1 OF 2025

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 2 to 4 to pass necessary orders restraining the unofficial respondents No.5 and 6 from further misusing the Family member certificate vide File No.Dis.No.F/14550/2001 dt. 03-12-2001 retrospectively said to have been issued by the office of the respondent No.4, pending disposal of the writ petition.

Counsel for the Petitioner:SRI GIRI KRISHNA
APPEARING ON BEHALF OF ALI MOHAMMED TIPU KHAN

Counsel for the Respondents No 1 To 4: SRI L. RAVINDER AGP FOR REVENUE

Counsel for the Respondents No 5 & 6: ---

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

WRIT PETITION No.36733 of 2025
DATE OF ORDER: 02.12.2025

Between:

Sri Sahebzada Mohammed Moizuddin Khan

...Petitioner

AND

The State of Telangana, rep. by its Principal Secretary, Revenue Department, Dr.B.R.Ambedkar, Secretariat, Hyderabad and five others

...Respondents

ORDER:

Aggrieved by the action of respondent No.4 in not cancelling the Family Member Certificate issued in favor of unofficial respondents *vide* File No.Dis.No.F/14550/2001, dated 03.12.2001 by respondent No.4, without there being any official record of the Family Member Certificate with respondent No.4, which is confirmed by respondent No.4 herein by considering the petitioner's representation / legal notice dated 29.05.2025, the present writ petition is filed. A

consequential prayer is sought to direct respondent Nos.2 to 4 to pass necessary orders restraining the unofficial respondent Nos.5 and 6 from further misusing the said Certificate issued by respondent No.4.

2. Heard Mr. Giri Krishna, learned counsel appearing on behalf of Mr. Ali Mohd. Tipu Khan, learned counsel for the petitioner on record and Mr. L.Ravinder, learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 4.

3. Learned counsel for the petitioner submitted that on the strength of the impugned Family Member Certificate issued by Revenue Authorities in favor of the unofficial respondent Nos.5 and 6 by the revenue authorities, claiming to be the legal heirs of late one Mr. Mohd. Ghouseuddin Khan, S/o. late Nawab Himayat Jung, the unofficial respondents are attempting to claim the property of the petitioner herein, who stated to be also the legal heir of late one Mr.Mohd. Ghouseuddin Khan. It is further submitted that based on the impugned Family Member Certificate, the unofficial respondent Nos.5 and 6 are attempting to succeed to the properties of late one Mr. Mohd. Ghouseuddin Khan. It is further submitted that on the issuance of Family Member Certificate in favor of the unofficial respondents, the petitioner's rights have completely affected and thereby the petitioner submitted a detailed representation / legal notice through his counsel dated 29.05.2025, but no action has been

taken so far on the said legal notice. It is further submitted that admittedly, the disputes between the petitioner and unofficial respondents are pending in O.S.No.514 of 2025 on the file of learned XXI Junior Civil Judge, City Civil Court, Hyderabad, where the succession is being claimed by the unofficial respondents based on the Family Member Certificate issued in favor of them. It is further submitted that the unofficial respondents have succeeded in obtaining the succession in O.S.No.514 of 2025 on the file of learned XXI Junior Civil Judge, City Civil Court, Hyderabad *vide* its order dated 15.04.2025 and on the application made by the unofficial respondent No.5 in application No.856 of 2008 in C.S.No.14 of 1958. As such, the claim of the petitioner is at jeopardize and the petitioner's rights are being affected. Though, a legal notice has been issued and no action has been taken so far by the official respondents, the petitioner is constrained to file this writ petition seeking appropriate directions.

4. Learned Assistant Government Pleader for Revenue on the other hand submitted that the petitioner issuing the legal notice after 24 long years after issuance of the Family Member Certificate in favor of the unofficial respondents and seeking his grievance by filing this writ petition is perverse. Admittedly, the Civil Court has decided the said matter and to resolve the petitioner's grievance, the petitioner ought to have approached the Civil Court challenging the said order. But blaming the official respondents for issuing the Family Member

Certificate *vide* File No.Dis.No.F/4550/2001, dated 03.12.2001 at no stretch of time, is perverse and shifting the onus on the official respondents for issuing the impugned Certificate is nonest in the eye of law and seeks to dismiss this writ petition.

5. This Court having heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue and considering that the petitioner is questioning the Family Member Certificate, which is the part and parcel in O.S.No.514 of 2025 on the file of learned XXI Junior Civil Judge, City Civil Court, Hyderabad and considering that the succession is granted to the unofficial respondents by order dated 15.04.2025, without making any observations on merits and demerits of the case, deems it appropriate to grant liberty to the petitioner to challenge the said order before the appropriate Court strictly in accordance with law.

6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications if any pending, in this petition, shall stand closed.

SD/-MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Dr.B.R. Ambekdar Secretariat, Hyderabad.
2. The District Collector, Hyderabad District, Lakdikapul, Hyderabad

3. The Revenue Divisional Officer, Hyderabad Division, Sri Balaji Enclave, Gosha Mahal, Nampally, Hyderabad.

4. The Deputy Collector and Tahsildar, Tirumulgiri Mandal, Tahsildar Office, Tirumalagiri, Address. 2-23-50, Hasmatpet Road, Arevalli Enclave, Parkview Enclave, Bowenpally, Secunderabad, Telangana - 500009

5. One CC to SRI. ALI MOHAMMED TIPU KHAN, Advocate [OPUC]

6. Two CCs to GP FOR REVENUE ,High Court for the State of Telangana at Hyderabad . [OUT]

7. Two CD Copies

DAN

BS

HIGH COURT

DATED:02/12/2025



ORDER

WP.No.36733 of 2025

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

23.12.25