

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

**TUESDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION NOS: 9480 OF 2021 AND 3771 OF 2022

W.P.NO: 9480 OF 2021

Between:

1. Mohammed Khadeer, S/o late Mohammed Yaqub, Aged about 57 years, Occupation, Business, R/o H.No.8-1-398/M/187, Paramount Hills, Towli Chowki, Hyderabad.
2. Adam Prem Kumar, S/o late A.Shankar Rao, Aged about 48 years, Occupation, Business, R/o H.No.10-5-342/34, North Lallaguda, Secunderabad.

...PETITIONERS

AND

1. The State of Telangana, rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Local Officer cum District Collector, Hyderabad District, Hyderabad.
3. The Tahsildar, Himayathnagar, 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 an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No.B2/25443/2017, dated 01/04/2021, passed by the second respondent, as illegal, arbitrary, mala fide and consequently to aside the same.

IA NO: 1 OF 2021

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 suspend the proceedings No.B2/25443/2017, dated 01/04/2021, passed by the second respondent, pending disposal of the writ petition, in the interest of justice.

**Counsel for the Petitioners: SRI H.VENU GOPAL, SENIOR COUNSEL FOR
SRI N.MUKUND REDDY
Counsel for the Respondents: SMT. S.SRAVANTHI, AGP FOR REVENUE**

W.P.NO: 3771 OF 2022

Between:

1. Mohammed Khadeer, S/o late Mohammed Yaqub, Aged about 57 years, Occupation. Business, R/o H.No.8-1-398/M/187, Paramount Hills, Towli Chowki, Hyderabad.
2. Adam Prem Kumar, S/o late A.Shankar Rao, Aged about 48 years, Occupation. Business, R/o H.No.10-5-342/34, North Lallaguda, Secunderabad.

AND

...PETITIONERS

1. The State of Telangana, rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Local Officer cum District Collector, Hyderabad District, Hyderabad.
3. The Tahsildar, Himayathnagar, Hyderabad.
4. Sri Shiva Shankar, S/o M.Chandraiah, Aged. Major, occ. not known to the petitioners R/o H.No.4-7-256, Esamiya Bazar, Namiya Larde, Hyderabad.
5. Sri Srinivas Vishwanath, S/o not known to the petitioners Aged. Major, R/o H.No.3-5-75, Flat No.301, Rajashri Apartments, Beside Padmashali Bhavan, Rajmohalla, Hyderabad. 500 001

...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 Letter bearing Lr.No. B2/25443/2017, dated 02.12.2021, issued by the second respondent, as illegal, arbitrary, mala fide and consequently to aside the same.

IA NO: 1 OF 2022

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 suspend the Letter hearing Lr.No.B2/25443/2017, dated 02.12.2021, issued by the second respondent, pending disposal of the writ petition, in the interest of justice.

IA NO: 2 OF 2022

Between:

1. The State of Telangana, rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Local Officer cum District Collector, Hyderabad District, Hyderabad.
3. The Tahsildar, Himayathnagar, Hyderabad.

...PETITIONERS/RESPONDENTS

AND

1. Mohammed Khadeer and another, S/o late Mohammed Yaqub, Aged about 57 years, Occupation. Business, R/o H.No.8-1-398/M/187, Paramount Hills, Towli Chowki, Hyderabad.
2. Adam Prem Kumar, S/o late A.Shankar Rao, Aged about 48 years, Occupation. Business, R/o H.No.10-5-342/34, North Lallaguda, Secunderabad.

...RESPONDENTS/WRIT PETITIONERS

3. Sri Shiva Shankar, S/o M.Chandraiah, Aged. Major, occ. not known to the petitioners R/o H.No.4-7-256, Esamiya Bazar, Namiya Lande, Hyderabad.
4. Sri Srinivas Vishwanath, S/o not known to the petitioners Aged. Major, Rio H.No.3-5-75, Flat No.301, Rajashri Apartments, Beside Padmashali Bhavan, Rajmohalla, Hyderabad. 500 001

...RESPONDENTS/RESPONDENTS

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 vacate the interim directions, dated 19/05/2022 passed in I.A.No.1 of 2021 in W.P.No.9480 of 2021 and IA.No.1 of 2022 in W.P.No.3771 of 2022 and also to dismiss the writ petition as devoid of merits with costs.

**Counsel for the Petitioners: SRI H.VENU GOPAL, SENIOR COUNSEL FOR
SRI N.MUKUND REDDY**

**Counsel for the Respondent Nos.1 TO 3: SMT. S.SRAVANTHI,
AGP FOR REVENUE**

Counsel for the Respondent No.5: SRI R.K.G.BHATIA

Counsel for the Respondent No.4: --

The Court made the following: COMMON ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE K.SARATH

W.P.No.9480 of 2021 and 3771 of 2022

Date:27.01.2026

Between:

Mohammed Khadeer and another.

..Petitioners

And

State of Telangana rep. by its Principal Secretary, Revenue
Department and others.

... Respondents

COMMON ORDER:

As both these writ petitions arise out of the same subject property and the parties are similar, they are being disposed of by this common order.

2. Both these writ petitions are filed questioning the proceedings No.B2/25443/2017 dated 01.04.2021 and the letter No.B2/25443/2017 dated 02.12.2021 issued by the respondent No.2-Local Officer-cum-District Collector as illegal and arbitrary.

3. Heard Sri H. Venu Gopal, learned Senior Counsel representing Sri N. Mukund Reddy, learned counsel for the petitioners and Smt S. Sravanthi, learned Assistant Government Pleader for Revenue for the respondent Nos.1 to 3 and perused the material on record.

4. Learned Senior Counsel for the petitioners submits that the petitioners are absolute owners and possessors of the eastern portion of the house property bearing Municipal No.3-2-374 admeasuring 657.75 sq. yards out of total extent of 1286.3 sq. yards situated at Chappal Bazar, Kachiguda, Hyderabad (for short 'the subject property') having purchased from Mrs. Fareedunnisa Begum Khan W/o late Ghulam Ahmed Khan, her son and two daughters through registered sale deed bearing Document No.487 of 2019 dated 08.02.2019. Originally the said house property was purchased by late Ghulam Hussain Khan through registered sale deed dated 16.10.1325 Fasli vide document No.1934 Book I, Volume V at page Nos.12 to 14 total ~~admeasuring~~ 2143 sq. yards along with three constructed buildings situated at Chappal Bazar, Kachiguda,

Hyderabad and after his death, his wife Afzalunnisa Begum and sons namely Gulam Ahmed Khan and Hanid Ali Khan and daughter Nizamunnisa Begum have succeeded the said property. The husband of the vendor of the petitioners, Mr. Ghulam Ahmed Khan, had inherited the subject property through the compromise decree passed in C.C.C.A.No.27 of 2007 on the file of this Court dated 04.03.2013 filed against the Judgment and Decree dated 10.11.2006 in O.S.No.74 of 2000 on the file of I Additional Metropolitan Sessions Judge-cum-XV Additional Chief Judge, Hyderabad, filed for partition.

5. Learned Senior Counsel for the petitioners further submits that since the date of purchase of the subject property, the petitioners are in continuous possession and enjoyment of the said property. Their vendors are paying the property tax, electricity bills and water charges for the last several decades. The Town Survey Register also shows the owner of the house bearing Nos.3-2-374 and 3-2-374/1 as Ghulam Hussain Khan S/o Gulam Ahmed Khan and Afzalunnisa Begum. The petitioners have obtained building

permission vide permit No.2/C16/02408/2021 dated 16.02.2021.

6. Learned Senior Counsel for the petitioners further submits that basing on the representation of the People's representatives, the respondent No.2-Local Officer-cum-District Collector issued notice dated 02.02.2021 under Section 7 of Telangana State Escheats and Bona Vacantia Act, 1974 (for short 'the Act, 1974) to the petitioners, who in turn have submitted their replies on 08.02.2021 and 18.02.2021. The respondent No.2 without following due process of law as contemplated under the Act, 1974 has passed the impugned order vide proceedings No.B2/25443/2017 dated 01.04.2021 directing the respondent No.3 to take possession of the land under Section 9 of the Act, 1974 and also issued the impugned letter No.B2/25443/2017 dated 02.12.2021 referring the matter to the City Civil Court, Hyderabad for adjudication under Section 11(3) of the Act, 1974.

7. Learned Senior Counsel for the petitioners further submits that though the respondent No.4 in W.P.No.3771 of 2022 filed suit for injunction with respect to the subject property, the same was dismissed and he also filed a case in Cr.No.321 of 2019 on the file of Kachiguda Police Station and the same was also closed on 10.12.2019 due to lack of evidence. The respondent No.2 without following due procedure as contemplated under Section 80 of the Act, 1974 by filing a suit for declaration of Government rights and recovery of possession has passed the impugned order. He submits that the subject property is a private property owned and possessed by the petitioners and prior to them, their vendors were in lawful possession and enjoyment of the same for the last several decades and under the guise of the impugned order dated 01.04.2021, the respondent No.2 is trying to dispossess the petitioners from the subject property, which is illegal and arbitrary and requested to allow the writ petitions by setting aside the impugned orders.

8. Learned Counsel for the petitioners has relied on the following Judgments;

1. Mrs.Lalitha Christian Vs. The Government of Andhra Pradesh rep. by its Principal Secretary, Revenue Department¹

2. Deepathi Avenues Pvt. Ltd., Hyderabad Vs. State of Andhra Pradesh²

3. Government of A.P. Vs. V. Lingamma³

9. Learned Assistant Government Pleader for Revenue based on the counter submits that in the Town Survey Land Register, the house bearing No.3-2-374 admeasuring 1287 sq. yards situated at Chappal Bazar, Kachiguda, Hyderabad was recorded against T.S.No.2, Block 'B' Ward No.192 of Lingampally Village of Himayat Nagar Tahsil recorded in Col.No.9 as 'Gulam H Khan S/o Gulam Ahmed Khan Afzal Unnisa Begum', Col.No.10 as Lingampally Village and the total extent shown in Col.No.17 as 2161.50 sq. meters and Col.No.20 was recorded as 'Nizamunnisa

¹ 2017 SCC OnLine Hyd 38

² 2010 SCC OnLine AP 956

³ 2006(2) ALT 348 AP (D.B)

Begum W/o.Ahmed Ali Saheb and Col.No.21 and 22 was recorded as 'R' and Building respectively. Raising on the representations from the People's representatives, the Joint Collector has called for enquiry report from the Revenue Divisional Officer, Hyderabad Division vide Lr.No.B2/25443/2017 dated 19.01.2018. The Revenue Divisional Officer after conducting enquiry has submitted a detailed report vide No.J/3161/2016 dated 17.07.2020 stating that the individuals who are claiming as legal heirs are not having any valid proof that they are the actual legal heirs of the original land owners and the said deeds have been executed by the third parties who are no way concerned with the subject land and the details of the original owners of the subject property are not known.

10. Learned Assistant Government Pleader further submits that after issuing notice and opportunity to the concerned persons and after examining all the documents produced by them including the petitioners, the respondent No.2 found discrepancies with regard to the relationship of the petitioners with the original owners as per the records

and also variations in the factual data in the documents filed by them has passed the impugned order declaring that the subject land is in the nature of Bona Vacantia and invoked Section 9 of the Act, 1974 duly authorizing the respondent No.3 to take the subject land into custody of the Government under the provisions of the Act, 1974 and to prepare inventory as required under Section 10(1) of the Act, 1974. In compliance of the same, the respondent No.3 has taken possession of the subject land duly conducting panchanama on 07.04.2021 and submitted a report to the Chief Commissioner of Land Administration, Telangana State, Hyderabad vide Lr.No.B2/25443/2017 dated 31.05.2021 along with Form-I. She submits that mere payment of property taxes, electricity bills, water charges does not confer any right, title over the subject land and the petitioners without any valid document are trying to grab the valuable property.

11. Learned Assistant Government Pleader further submits that after taking over the property into Government custody, notice under Section 11(1) of the Act,

1974 dated 29.06.2021 was published in the Hyderabad District Gazettee (Extraordinary) General Notification No.1 dated 08.07.2021 calling any claims/objections. After receipt of the claims/objections, the respondent No.2 vide impugned letter dated 02.12.2021 referred the matter to the City Civil Court, Hyderabad under Section 11(3)(a) of the Act, 1974 for adjudication and decision as to whether the persons making the claim are entitled to the subject property or not and the same is pending in Case No.O.P.No.7 of 2022 on the file of the Additional Chief Judge, City Civil Court, Hyderabad. The petitioners without availing the remedy provided under Section 1 of the Act, 1974 filed these writ petitions and the same are liable to be dismissed.

12. Learned Assistant Government Pleader further submits that in view of the interim orders passed by this Court, the petitioners have started construction activities over the subject land and changing the nature of the land. She submits that the respondent No.2 after following due procedure as contemplated under the provisions of the Act,

1974 has passed the impugned orders vide proceedings No.B2/25443/2017 dated 01.04.2021 in W.P.No.9480 of 2021 and the letter No.B2/25443/2017 dated 02.12.2021 in W.P.No.3771 of 2022 and neither the petitioners nor the alleged predecessors have any right, title over the subject property until the matter is adjudicated by the City Civil Court, Hyderabad and requested to dismiss the writ petitions.

13. After hearing both sides and perusal of the record, this Court is of the considered view that the subject property was claimed by the petitioners as private property as they have purchased the same through valid registered document in Document No.487 of 2019 dated 08.02.2019 and they have filed application for construction of the building through application dated 11.03.2020 and after paying requisite fees, the GHMC has issued building permit order vide permit No.2/C16/02408/2021 dated 16.02.2021. Before issuing the said building permission, the respondent No.2-Local Officer-cum-District Collector has issued notice under Section 7 of the Act, 1974

on 02.02.2021 by affixing notice on the subject property. In response to the said notice, the petitioners have submitted their reply by claiming their rights over the property on 08.02.2021 and 18.02.2021 and others have also submitted their replies on different dates.

14. The contention of the petitioners is that once they have submitted their claim petition by showing their possession over the subject property and also obtained permission from the competent authority for construction of building, the respondents without following due procedure as envisaged under the Act, 1974 and without filing any suit for declaration under Section 8 (1) of the Act, 1974 have issued proceedings No.B2/25443/2017 dated 01.04.2021 which is arbitrary and illegal.

15. The main contention of the writ petitioners is that once the property claimed by the petitioners by showing possession of the property, the respondent No.2 has to institute a suit before the competent Civil Court for declaration of the Government rights to the property and

for recovery of possession of the subject property. The relevant portion of Sections 7,8 and 9 of the Act, 1974 is extracted as under;

7. Inquiry relating to escheat or bona vacantia by local officer:

Whenever the local officer receives information from any source that any property of the nature of an escheat or a bona vacantia is situated or lying within his jurisdiction, he shall cause an inquiry to be made in respect thereof.

8. Local officer to institute a suit for recovery of possession of escheat or bona vacantia when the person in possession resists:

(1) Where, as a result of the inquiry under section 7, the local officer is satisfied that the property of the nature of an escheat or a bona vacantia is in the possession of a person who has no authority to claim it and if such person resists to surrender such possession on demand, the local officer may, after obtaining the sanction of the competent authority, institute a suit in a court for declaration of the Government's right to the property and for recovery of possession of such property.

(2) Where the court has declared that the property is an escheat or a bona vacantia, the local officer shall obtain the possession thereof through the court and manage it or dispose it of in such manner as may be prescribed.

9. Local officer to take into custody and to arrange for care and maintenance of property which is not in the possession of any person or its possession is surrendered:

Where the property of the nature of an escheat or a bona vacantia is not in the possession of any person or where the person in

possession surrenders such possession when demanded, the local officer shall take the property into his custody and arrange for its care and maintenance until the claim is settled under section 11.

16. In the instant case, the respondent No.2 in the impugned order has taken note of the claim submitted by the petitioners by recording that the petitioners have purchased the subject property from the GPA holder of the legal heirs of Ghulam Ahmed Khan through registered sale deed bearing Document No.487 of 2019 dated 08.02.2019 for the land to an extent of 657.75 sq. yards and also they applied for building permission from the GHMC authorities and obtained permission vide Permit No.2, C16/02408/2021 dated 16.02.2021 and in spite of that, declared that there are multiple claims regarding the title over the subject property and initiated steps under Section 9 of the Act, 1974 to take the subject property into the custody of the Government duly preparing inventory as required under Section 10(1) of the Act, 1974 and keep it in the Government custody and also arrange for its care and

maintenance till the process under the provisions of the Act, 1974 is completed.

17. Admittedly, there is a claim over the property by the petitioners and also they are in possession of the subject property. Unless the competent Civil Court declare the property as an escheat or a bona vacantia under Section 8(1) of the Act, 1974, the question of initiation of proceedings under Section 9 of the Act, 1974 and take over the property does not arise. After declaration of Civil Court as the property is escheat or bona vacantia, the Government can take over the possession under Section 8(2) of the Act, 1974. In view of the same, the action of the respondents in issuing proceedings under Section 9 of the Act, 1974 is contrary to Sections 8(1) and 8(2) of the Act, 1974 and the said proceedings are liable to be set aside. The respondent authorities have to institute a suit before the competent Civil Court for declaration of the Government rights over the subject property and for recovery of possession of the subject property under Section 8(1) of the Act, 1974. Without doing the same, the

respondents want to take over possession of the subject property and the same cannot be acceptable.

18. The petitioners filed W.P.No.9480 of 2021 questioning the proceedings No.B2, 25443/2017 dated 01.04.2021. Pending the said writ petition, the respondent No.2 has referred the matter to the Chief Judge, City Civil Courts, Hyderabad in Lr.No.B2, 25443/2017 dated 02.12.2021 under Section 11(3)(a) of the Act, 1974 for adjudication and decision as to whether the persons making the claim are entitled to the subject property or not.

19. Section 11 of the Act, 1974 is extracted as under;

11. Procedure for declaring property to be escheat or bona vacantia:

(1) As soon as may be after the property is taken into his custody under section 9, the local officer shall publish a notice in such manner as may be prescribed, calling upon the persons who may have any claim to such property to prefer their claims to such property in the prescribed form within three months from the date of publication of the notice.

(2) If no claim is preferred within the said period of three months, the local officer shall declare the property

in respect of which the notice is published under sub-section (1) to be an escheat or a bona vacantia, as the case may be, and dispose it of in such manner as may be prescribed.

(3) (a) If any person prefers a claim within the said period of three months, the local officer shall refer the claim to the court for its decision as to whether or not the person making the claim is entitled to the property; and the court shall, after giving a notice to the local officer and to the claimant, decide the reference, as if it were a suit;

(b) Where the court decides that the property taken into custody under section 9 or any part thereof rightfully belongs to the claimant, the local officer shall deliver the same to him; and where the court decides that it does not belong to the claimant' the court shall declare the property to be an escheat or a bona vacantia as the case may be.

The said reference dated 02.12.2021 was issued basing on the orders passed under Section 9 of the Act, 1974 in Proceedings No.B2/25443/2017 dated 01.04.2021. Once the proceedings initiated under Section 9 of the Act are not in consonance with the Act, 1974, the question of referring the mater under Section 11(3)(a) of the Act, 1974 does not arise. In view of the same, the impugned orders passed in W.P.Nos.9480 of 2021 and 3771 of 2022 are liable to be set aside. If the respondent authorities want to declare the property as bona vacantia, they are at liberty to approach

the competent Civil Court by instituting a suit as per Section 8(1) of the Act, 1974.

20. The Judgments relied on by the learned counsel for the petitioners in **Mrs. Lalitha Christian's** case (supra 1), **Deepathi Avenues Pvt. Ltd's** case (supra 2) and **V. Lingamma's** case (supra 3) are squarely apply to the instant case and the impugned orders are liable to be set aside.

21. In view of the above findings, both these Writ Petitions are allowed by setting aside the proceedings No.B2/25443/2017 dated 01.04.2021 and also the letter No.B2/25443/2017 dated 02.12.2021 and the consequential proceedings are set aside. However, this order does not preclude the respondent authorities from instituting a suit for declaration of Government rights and also for recovery of possession as per Section 8(1) of the Act, 1974 if so advised. No order as to costs.

22. Miscellaneous Petitions, if any pending in these writ petitions, shall stand closed.

SD/- M.OSMAN ALI BAIG
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

One Fair Copy to the Hon'ble Sri Justice K.SARATH
(For His Lordships Kind Perusal)

To

1. 11 LR Copies.
2. The Under Secretary, Union of India Ministry of Law, Justice and Company Affairs, New Delhi.
3. The Secretary, Telangana Advocates Association Library, High Court Buildings, Hyderabad.
4. The Principal Secretary, Revenue Department, Secretariat, Hyderabad, State of Telangana.
5. The Local Officer cum District Collector, Hyderabad District, Hyderabad.
6. The Tahsildar, Himayathnagar, Hyderabad.
7. One CC to SRI N.MUKUND REDDY, Advocate [OPUC]
8. One CC to SRI R.K.G.BHATIA, Advocate [OPUC]
9. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
10. Two CD Copies

PSK.

PSK

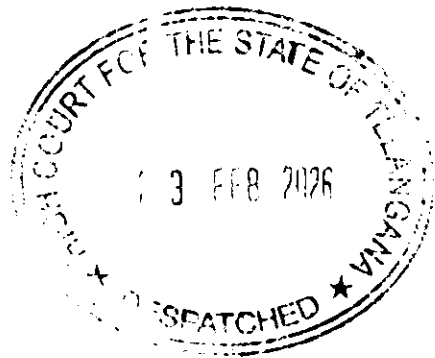
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HIGH COURT

DATED:27/01/2026

COMMON ORDER

WP.Nos.9480 of 2021 AND 3771 OF 2022



**ALLOWING THE WRIT PETITIONS
WITHOUT COSTS**

(24)
23/02/26
V.K.