

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

**TUESDAY, THE TWENTY FOURTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND**

**THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT APPEAL NO: 404 OF 2013**

Writ Appeal under clause 15 of the Letters Patent against the order dated 04.12.2012 in W.P.No.28671 of 2010. on the file of the High Court.

**Between:**

1. The Government of A.P., rep by its Principal Secretary, Revenue Department, Secretariat Buildings, Saifabad Hyderabad.
2. The Special Officer, & Competent Authority, Urban Land Ceilings, Hyderabad.
3. The District Collector, Hyderabad, Hyderabad District, Urban Land Ceilings, Hyderabad.

**.....APPELLANTS/RESPONDENTS**

**AND**

1. Afsar Sulthana, (Died per Lrs. as RR 4 to 6 Hyderabad), W/o.Late Mohiuddin Ahmed R/o.10-2-289/87, 401 Fortune Heights ,Shanthi nagar,Hyderabad
2. Zaheeruddin Ahmed, S/o.Mohiuddin Ahmed, R/o.10-2-289/87, 401 Fortune Heights ,Shanthi nagar, Hyderabad.

**...RESPONDENTS/WRIT PETITIONERS**

3. A.P. State Police Housing Corporation Ltd., Police Head Quarters, Saifabad, Hyderabad, rep. by its Chairman.

**....RESPONDENT/RESPONDENT**

4. Durdana AAbid Ali, D/o Mohiuddin Ahmed, Aged 75 Years
5. Yousufuddin Ahmed, S/o Mohiuddin Ahmed, Aged 70 Years

6. Rumana Ahmed, D/o Mohiuddin Ahmed, Aged 56 Years RR 4 to 6 are R/o 10-2-289/87, 401 Fortune Heights Shanthi nagar Hyderabad.

(Respondent Nos. 4 to 6 are brought on record as Lrs of deceased Respondent No.1 as per Court Order dated 02.08.2024 Vide I.A.No.1 of 2024 in WA No.404 of 2013)

.....RESPONDENTS

**I.A.NO:1 OF 2013 (WAMP.NO:991 OF 2013)**

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 operation of the order dated 04.12.2012 made in W.P. No. 28671 of 2010, pending disposal of the writ appeal.

**Counsel for Appellants : SRI A.SUDARSHAN REDDY, THE ADVOCATE  
GENERAL**

**Counsel for Respondent Nos.1, 2, 4 5 & 6 : SRI P.GANGAIAH NAIDU, SENIOR  
COUNSEL REPRESENTING SRI N.BHARAT BABU**

**Counsel for Respondent No.3 : SRI K.C.VENKAT REDDY**

**The Court made the following JUDGMENT : -**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT APPEAL No.404 OF 2013**

**JUDGMENT:** *(per the Hon'ble Sri Justice J.Sreenivas Rao)*

This intra Court appeal is filed by the appellants aggrieved by the order dated 04.12.2012 passed by the learned Single Judge by which W.P.No.28671 of 2010 filed by respondent Nos.1, 2, 4 to 6 has been allowed holding that the proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 ('ULC Act' for brevity) has been abated and the impugned order is redundant and legally ineffective against respondent Nos.1, 2, 4 to 6 and further they are entitled to remain in possession and enjoyment of the subject land.

2. Heard Sri A.Sudarshan Reddy, learned Advocate General appearing for the appellants and Sri P.Gangaiah Naidu, learned Senior Counsel representing Sri N.Bharat Babu, learned counsel for respondent Nos.2, 4 to 6. No representation on behalf of respondent No.3.

3. For the sake of convenience the parties herein will be referred to as they are arrayed in the impugned order dated 04.12.2012.

**4. Brief facts of the case:**

4.1 Petitioner No.1 is the mother of petitioner No.2. Late Mohiuddin Ahmed who was the husband of petitioner No.1 and father of petitioner No.2, purchased lands to an extent of 418.06 Sq.mts., each situated in Survey No.403/67(part) of Shaikpet Village, Hyderabad one in his name and another in the name of petitioner No.1 under registered sale deeds dated 10.10.1966 *vide* bearing document Nos.2465 of 1966 and 2466 of 1966 from one Safdarali Mirza. Apart the aforesaid house sites late Mohiuddin Ahmed and petitioner No.1 possessed 705.78 Sq.mts., of vacant land in Survey No.318 of Asmanghad, Gaddiannaram Hyderabad and a house with 95 Sq.mts., vacant land at Narayanaguda, Hyderabad.

4.2 Petitioner No.1 and late Mohiuddin Ahmed filed declaration under Section 6(1) of the ULC Act on 13.08.1976 showing the aforesaid vacant lands to determine excess of ceiling limit. On 08.03.1985 respondent No.2 issued draft declaration under Section 8(1) of the ULC Act to the effect that the declarants hold an extent of 1612.22 Sq.mts., and is entitled to 1000 Sq.mts under Section 4(1)(4) of the ULC Act and the surplus land is 612.22 Sq.mts. After considering the objections, on 03.07.1985

respondent No.2 declared the vacant land admeasuring to an extent of 612.22 Sq.mts., from out of 836.12 Sq.mts situated in Survey No.403/67 as excess to the permissible holding. On the choice of the declarants, the surplus land in Survey No.403/67(P) of Shaikpet Village, Banjara Hills, determined was agreed to surrender, while retaining 224 Sq.mts. Thereafter, Section 9 final statement was issued.

4.3 On 08.08.1986, Section 10(1) notice has been issued, asking persons interested to appear on or before 08.09.1986 to file objections, if any and on 15.09.1994 Section 10(3) notification was published in the official gazette No.38A dated 22.09.1994, by which the subject land deemed to have vested in the State Government. In pursuance of the publication under Section 10(3) of the ULC Act, notice under Section 10(5) was issued to surrender the excess land of 612.22 Sq.mts., within 30 days on 26.11.1994.

4.4 As 30 days time granted to surrender was expired by 01.01.1995, Section 10(6) notice was issued on 01.03.1995, authorizing one P.S.Ramachander, E.O. to takeover the possession of the surplus land and to hand over the same to

Mandal Revenue Officer and the petitioners continued their possession as no one objected.

4.5 In the meanwhile, ULC Act was repealed by Urban Land(Ceiling and Regulation) Repeal Act, 1999. The erstwhile State of Andhra Pradesh adopted the Repeal Act with effect from 27.03.2008 and has issued G.O.Ms.Nos.455 and 456, dated 29.07.2002 proposing to allot the lands declared as surplus under the ULC Act to such of those in occupation of the land duly granting exemption under Section 20(1) of the ULC Act. The State Government issued further orders in G.O.Ms.No.747 dated 18.06.2008 for allotment of excess lands vested with the Government and possession of which was already taken. The petitioners have made an application on 31.10.2008 along with a Demand Draft for Rs.30 lakhs, seeking regularization of the excess land to extent of 612.22 Sq.mts., in terms of the G.O.Ms.No.747 dated 18.06.2008 which was not considered. Aggrieved by the same, the petitioners initially filed W.P No.28671 of 2010 challenging the inaction of the respondents in considering their application dated 31.10.2008 and sought direction to regularize the subject land in terms of G.O.Ms.No.747 dated 18.06.2008 and an interim direction was given to Special officer

and Competent authority to consider the application dated 31.10.2008 within a period of three weeks from the date of receipt of the order and despite the said direction the application was not disposed of. Aggrieved by the same, the petitioners have filed Contempt Case No.1878 of 2010 and during the pendency of the said Contempt Case the application of the petitioners was rejected without assigning any reasons on 07.01.2011 and the amount paid by the petitioners towards regularization was also refunded to the petitioners through consequential proceedings dated 10.01.2011.

4.6 Aggrieved by the said proceedings, the petitioners have filed I.A.No.2 of 2011 (W.P.M.P.No.6616 of 2011) in W.P.No.28671 of 2010 seeking amendment of prayer to declare the orders dated 07.01.2011 and 10.01.2011 as illegal and for other reliefs. They also filed I.A.No.1 of 2011(W.P.M.P.No.6615 of 2011) to implead Andhra Pradesh Police Housing Corporation, who resorted to make compound wall for the land to an extent of Acs.5.00 including petitioners land and the same was allowed on 24.08.2011.

4.7 Learned Single Judge after hearing the matter passed order on 04.12.2012 holding that the land ceiling proceedings stand

abated since the possession was not actually taken over and the Police Housing Corporation has no right to enter into the subject land and the subject land shall be restored to petitioners even if it is in the possession of the Police Housing Corporation and the petitioners are entitled to remain in possession and enjoyment of the land and the impugned order in the writ petition is redundant and legally ineffective against the petitioners. Aggrieved by the same, the respondent Nos.1 to 3 have preferred this writ appeal.

**Submissions of the learned Advocate General appearing for the appellants:**

5. Learned Advocate General contended that land in Survey No.403 is Government Land and the Government is in possession of the same. Therefore, inclusion of the same in the computation was not proper and basing on the proceedings under ULC Act petitioners are not entitled to claim any rights and title over the property. He further contended that the subject property was handed over to respondent No.2 under Panchanama dated 29.11.1982 and the petitioners have not placed any evidence before this Court that they are in possession of the property.



5.1 He further contended that the Government has filed L.G.C.No.57 of 1989 on the file of the Special Court Under the A.P.Land Grabbing (Prohibition) Act, Hyderabad seeking declaration declaring the respondents therein as land grabbers and evict them from the schedule land and also to award compensation of Rs.49,54,800/- and also profits of Rs.28,42,880/- accrued from the land and for costs, etc., the said case was allowed by its judgment dated 20.08.1998. Aggrieved by the same, respondents therein have filed W.P.No.29190 of 1998 and W.P.No.28787 of 1998 and W.P.No.29190 of 1998 was partly allowed and W.P.No.28787 of 1998 was dismissed by the Division Bench of the erstwhile High Court of Judicature, Andhra Pradesh, at Hyderabad on 24.08.2006 and the said judgment has become final. Hence the petitioners are not entitled to claim any rights over the subject property as it falls in Survey No.403.

5.2 He further contended that when similar request was made by the third parties seeking regularization of the property covered by Survey No.403 in terms of G.O.Ms.No.747 dated 18.06.2008, the competent authority rejected the same. Aggrieved by the same, the said persons have approached this Court and filed W.P.No.22265 of 2016 and on 23.08.2016 the learned Single

Judge of this Court dismissed the writ petition. Aggrieved by the same, the petitioners therein filed W.A.No.1138 of 2015 and the Division Bench of this Court dismissed the writ appeal on 27.04.2022 granting liberty to take recourse to other remedies available under the Civil Law. In such circumstances, the learned Single Judge ought not to have allowed the writ petition and passed the impugned order dated 04.12.2012.

5.3 Learned Advocate General further contended that the petitioners have filed application seeking regularization of the property in terms of G.O.Ms.No.747 dated 18.06.2008. When Government is in possession of the property, question of consideration of the regularization under the said G.O. does not arise and the competent authority has rightly rejected the claim of the petitioners through impugned memo dated 07.01.2011 and consequential proceedings dated 10.01.2011. When the disputed questions of facts of possession and title over the property are involved, the learned Single Judge ought to have delegated the petitioners to approach the competent Civil Court to establish their rights over the subject property.

5.4. In support of his contention, he relied upon the judgment passed in W.A.No.697 of 2023 dated 24.08.2023

**Submissions of learned Senior counsel for the Respondent****Nos.2, 4 to 6/writ petitioners:**

6. *Per contra*, learned Senior Counsel appearing for writ petitioners contended that the petitioners are claiming rights over the property through registered sale deeds dated 10.10.1966. Pursuant to the provisions of ULC Act, petitioner No.1 and late Mohiuddin Ahmed have filed declaration on 13.08.1976. The competent authority after following the due procedure as contemplated under the ULC Act issued the proceedings on 08.03.1985 under Section 8(1) of the ULC Act, subsequently under Section 8(4) of the ULC Act determining that the petitioners are holding surplus land to an extent of 612.22 Sq.mts., and thereafter on 08.08.1986 competent authority issued notice under Section 10(1) of the ULC Act and also on 15.09.1994, Section 10(3) notification was published in official gazette No.38A on 22.08.1994 wherein it is specifically mentioned that the subject land deemed to have vested with the State Government. Thereafter, on 26.11.1994 competent authority issued notice under Section 10(5) of the ULC Act to surrender the excess land of 612.22 Sq.mts., within 30 days. Thereafter, on 01.03.1995 concerned authority issued notice under Section 10(6) of ULC Act

for authorization of the officer to take over the possession of the surplus land and hand over the same to Mandal Revenue Officer though the petitioners continued their possession as no one objected.

6.1 He further contended that in the meanwhile, the Central Government repealed the ULC Act with effect from 22.03.1999, thereafter on 27.03.2008 the State Government adopted the Repeal Act and issued G.O.Ms.No.747 dated 18.06.2008 making the policy for allotting the surplus land declared to the third parties in occupation or the declarants and issued guidelines. Pursuant to the ULC proceedings the authorities have decided that the petitioners are holding surplus land to an extent of 612.22 Sq.mts. In pursuance of the G.O.Ms.No.747 dated 18.06.2008, the petitioners submitted application seeking regularization of their possession and when the official respondents failed to take any steps to consider the said application they have approached this Court and filed W.P.No.28671 of 2010 wherein this Court granted interim direction on 19.11.2010 directing the Special Officer and Competent Authority, Urban Land Ceilings, Hyderabad to consider the said application as early as possible, preferably

within a period of three weeks from the date of receipt of a copy of the order. When the respondents failed to comply the said order, the petitioners have filed CC.No.1878 of 2010 and during the pendency of the same, respondent rejected the application submitted by the petitioners on 07.01.2011 and issued consequential proceedings dated 10.01.2011 without assigning any reasons.

6.2. Learned Senior counsel vehemently contended that the judgment passed in L.G.C No.57 of 1989 dated 20.08.1998 and judgment passed in W.P.Nos.29190 of 1998 and batch dated 24.08.2006 by the Division Bench of the erstwhile High Court are not applicable to the petitioners on the sole ground that the petitioners are not parties to the said cases and the property claimed by the petitioners is not included in the said cases. He further contended that the competent authority while exercising the powers conferred under the ULC Act, passed orders determining that the petitioners are holding excess land to an extent of 612.22 Sq.mts., through proceedings dated 05.07.1985. The respondents themselves admitted that the petitioners are in possession of the subject property and also declared that they are holding surplus land. He also contended that the respondents

have not pleaded about L.G.C. proceedings nor placed the judgment passed in L.G.C. No.57 of 1989 dated 20.08.1998 nor urged before learned Single Judge especially when the same are not applicable to the petitioners. Similarly, the orders relied by the learned Advocate General in W.P.No.22265 of 2016 dated 23.08.2016 and W.A.No.1138 of 2016 dated 27.04.2022 are also not applicable to the petitioners and the learned Single Judge after due verification of the material available on record and also taking into consideration the principle laid down in ***Vinayak Kashinath Shilkar Vs. Deputy Collector and Competent Authority and Ors***<sup>1</sup> and other judgments relied upon by the respective parties rightly allowed the writ petition and there is no illegality or irregularity in the impugned order dated 04.12.2012.

**Analysis of the case:**

7. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that the petitioners are claiming the rights over the property through registered sale deeds *vide* document Nos.2465 and 2466 of 1966 dated 10.10.1966 and since then they have been in possession and enjoyment of the subject property. As per

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<sup>1</sup> (2012) 4 SCC 718

the provisions of the ULC Act one Late Mohiuddin Ahmed, who is the husband of the petitioner No.1 and father of petitioner No.2, and petitioner No.1 have filed declaration under Section 6(1) of the ULC Act on 13.08.1976 to determine the excess of ceiling limit in respect of the following properties:

(i) vacant lands at Aswanghai, Gaddiannaram	682-60 Sq.mts
(ii) at Shaikpet – Hyderabad	418-16 Sq.mts
(iii) at Shaikpet – Hyderabad	418-16 Sq.mts
(iv) At Narayanaguda, Hyderabad	95-50 Sq.mts
Total	<u>1612-22 Sq.mts.</u>

8. Pursuant to the said declaration, the competent authority issued draft declaration under Section 8(1) of the ULC Act on 08.03.1985 and after considering objections, the special officer and competent authority declared that the declarants are holding surplus land to an extent of 612.22 Sq.mts., and passed order under Section 8(4) of the ULC Act and the surplus land was determined on the choice of the declarants and agreed to surrender the land in Survey No.403/67(P) Shaikpet Village,

Banjara Hills while retaining 224 Sq.mts and thereafter Section 9 final statement was issued on 05.07.1985. Thereafter, on 08.08.1986 Section 10(1) notice was issued directing the petitioners to appear on or before 08.09.1986 to file objections if any. On 15.09.1994, Section 10(3) notification was published in official gazette No.38A dated 22.09.1994 by which the subject land deemed to have vested in the State government. Thereafter on 26.11.1994 notice under Section 10(5) was issued to surrender the excess land of 612.22 Sq.mts., within 30 days. Thereafter on 01.03.1995, another notice under Section 10(6) was issued authorizing one P.S.Ramachander, E.O. to take over the possession of the surplus land and to hand over the same to Mandal Revenue Officer.

9. While things stood thus, the ULC Act was repealed by Urban Land (Ceiling and Regulation) Repeal Act, 1999. The erstwhile State of Andhra Pradesh adopted the Repeal Act with effect from 27.03.2008 and issued further orders in G.O.Ms.No.747 dated 18.06.2008 for allotment of excess lands vested with the Government and possession of which was already taken. The petitioners have made an application on 31.10.2008 along with a Demand Draft for Rs.30 lakhs, seeking regularization



of the excess land which was not considered. Aggrieved by the same, the petitioners initially filed W.P.No.28671 of 2010 challenging the inaction of the respondents in considering their application dated 31.10.2008 and sought direction to regularize the subject land in terms of G.O.Ms.No.747 dated 18.06.2008 and an interim direction was given to Special officer and Competent authority to consider the application dated 31.10.2008 and despite the same the application was not disposed of. Aggrieved by the same, the petitioners have filed Contempt Case No.1878 of 2010 and during the pendency of the said Contempt Case the application of the petitioners was rejected without assigning any reasons on 07.01.2011 and the amount paid by the petitioners towards regularization was also refunded to the petitioners through consequential proceedings dated 10.01.2011.

10. Aggrieved by the said proceedings, the petitioners have filed I.A.No.2 of 2011 (W.P.M.P.No.6616 of 2011) in W.P.No.28671 of 2010 seeking amendment of prayer to declare the orders dated 07.01.2011 and 10.01.2011 as illegal and for other reliefs. They also filed I.A.No.1 of 2011(W.P.M.P.No.6615 of 2011) petition to implead A.P.Police Housing Corporation and the same was allowed on 24.08.2011.

11. Learned Single Judge after hearing the matter passed order on 04.12.2012 holding that the land ceiling proceedings stand abated since the possession was not actually taken over and the Police Housing Corporation has no right to enter into the subject land and the subject land shall be restored to petitioners even if it is in the possession of the Police Housing Corporation and the impugned order in the writ petition is redundant and legally ineffective against the petitioners.

12. It is pertinent to mention here that after perusal of the judgment in L.G.C.No.57 of 1989 dated 20.08.1998 it reveals that Revenue Divisional Officer, Hyderabad filed L.G.C.No.57 of 1989 before the Special Court Under the A.P.Land Grabbing (Prohibition) Act, Hyderabad seeking declaration declaring the respondents therein as land grabbers and they have grabbed an extent of 12,387 Sq.mts., of land and evict them from the schedule land and also to award compensation of Rs.49,54,800/- and also profits of Rs.28,42,880/- accrued from the land and for costs, etc., the said case was allowed by its judgment dated 20.08.1998 and the said judgment was modified in W.P.No.29190 of 1998 and batch dated 24.08.2006 awarding damages. In the

above said cases the petitioners were not parties and the subject property claimed by the petitioners was also not included.

13. It is also pertinent to mention here that basing on the declaration filed by late Mohiuddin Ahmed and petitioner No.1 on 13.08.1976 the competent authority initiated the proceedings exercising the statutory powers conferred under the Special enactment i.e., ULC Act and passed orders determining that the petitioners are holding excess land to an extent of 612.22 Sq.mts and enquiry under ULC Act is statutory enquiry and it is not an empty formality. The proceedings/orders issued under ULC Act clearly reveals that competent authorities have *prima facie* satisfied with the petitioners' ownership and possession in respect of the subject property.

14. Learned Single Judge while allowing the writ petition on 04.12.2012 specifically observed in paragraph No.20 as follows;

20. As noticed above, the State seeks to contend that irrespective of the proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 it is not permissible for the petitioners to remain in possession. The State contends that the subject land is Government land and hence the petitioners have no right over the said land. This Court is unable to commend the said contention for more than one reason. Firstly, it has never been the case of the State that the subject land is Government land. It is not known since when the land has become Government land. On the other hand, the claim of the petitioners is based on registered sale deeds and their possession over a long period of time. Enquiry under Urban Land Ceiling Act is statutory enquiry and it is not an empty formality. As soon as declaration is filed under Section 6, a duty is cast upon the authority to conduct enquiry as per Section 8 not only

with regard to possession but also with regard to right, title and interest of the declarant in the land. Under the said provision wherever declaration is filed setting up a claim as owner of land, enquiry has to be held as regards title in accordance with the said provision. In the instant case, enquiry was caused through no less than a Deputy Tahsildar, Urban Land Ceilings, Hyderabad and his report discloses that he verified town survey records and the land was registered in the revenue records as agricultural lands and is situated inside the master-plan limits and specified for the purpose of agriculture. The respondents have not denied the said report. Moreover, no objection was taken even after the publication in the Gazette under Section 10(3) of the ULC Act. Further more, the State has not placed any material before this Court in support of its contention except mere assertion that the land is Government land.

15. The contention of learned Advocate General that basing on the proceedings under ULC Act the petitioners are not entitled to claim any title over property and the learned Single Judge ought to have directed the petitioners to approach the competent Civil Court to establish their title is not tenable under law on the sole ground that learned Single Judge has not decided the title over the property and only held that the petitioners are entitled to continue in the possession of the property on the ground that respondents have not placed any evidence that they have taken possession of the subject property under ULC Act.

16. It is also relevant to place on record that respondent officials have not pleaded in the counter affidavit in the writ petition nor urged about the orders passed by the Land Grabbing Tribunal before the learned Single Judge at the time of disposal of

the writ petition and the respondents for the first time raised the ground that by virtue of the judgment passed in L.G.C.No.57 of 1989 the subject property covered by Survey No.403 is a Government Land.

17. The erstwhile High Court of Judicature of Andhra Pradesh at Hyderabad, in ***B.V.Joshi Vs.State of Andhra Pradesh and Ors***<sup>2</sup> specifically held that in an appeal only the facts as were agitated before the original forum are to be decided and that no new ground that too on factual basis, is available to be urged unless for any reason it is so permitted by the Court. A mere mention of a ground in the writ appeal will not vest a right in the appellant to urge a question which had not been raised in the writ petition before the learned Single Judge.

18. The petitioners are claiming right over the property on the strength of the Registered Sale Deeds, dated 10.10.1966. On the other hand, respondents had denied the title and possession of the petitioners over the land on the ground that the land belongs to the State Government. It is trite law that the dispute with regard to title cannot be adjudicated in a writ petition under Article 226 of the Constitution of India.

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<sup>2</sup> 1996 (2) ALD 712 (D.B.)

19. At this stage, we may refer to the relief sought for in the writ petition, which reads as under:

“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 more particularly one in the nature of writ of mandamus:

(i) declaring the action of the respondents 1 and 2 in rejecting the applications bearing Nos.18241 & 18231 dated 31.10.2008 vide Memo No.55446/UC.IV/2010, dated 7.1.2011 issued by the 1<sup>st</sup> respondent and proceedings No.E/747/18241/08 and Proceedings No.E/747/18231/08, dated 10.1.2011 of the 2<sup>nd</sup> respondent, as illegal, arbitrary and unconstitutional;

(ii) to declare that the petitioners are entitled for regularization of 612.12 sq. mts. of land out of total extent of 836.12 sq. mts. of land in Sy.No.403/63 (P), Road No.12, Banjara Hills, Hyderabad, in terms of G.O.Ms No.747 dated: 18.06.2008; or alternatively declare that the petitioners are absolute owners of the entire land admeasuring 836.12 sq. mts. of land situate at Sy.No.403/63 (P), Road No.12, Banjara Hills, Hyderabad in view of repealment of the Urban Land Ceiling (Regulation) Act, 1976 vide G.O.Ms.No.603, dated: 22.04.2008.”

20. Thus, the scope of the writ petition was confined to examining the validity of the order dated 18.06.2008 passed by the respondent No.1. Alternatively, the relief of declaration of

title was sought on the basis of the Repeal of the Act, which was adopted by the erstwhile State of Andhra Pradesh w.e.f. 27.03.2008. Therefore, the learned Single Judge ought not to have dealt with the issue with regard to possession and ought not to have proceeded to record finding with regard to possession. Even otherwise, the issue whether the subject land is in possession of the writ petitioners, respondent Nos.1 to 3 or Andhra Pradesh State Police Housing Corporation Limited is a disputed question of fact, which cannot be adjudicated in a writ petition. Even otherwise, the aforesaid issue is outside the scope of relief prayed for in the writ petition. Therefore, the learned Single Judge in recording finding with regard to possession has travelled beyond the scope of the writ petition.”

21. For the aforementioned reasons, it is clarified that the order passed by the learned Single Judge shall not be treated to as having expressed any opinion either with regard to title or possession of the parties. Needless to state that the parties to the proceeding shall be at liberty to recourse such remedy as may be available to them in law. To the aforesaid extent, the order passed by the learned Single Judge is modified.

22. In the result, the writ appeal is disposed of accordingly. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/- T. KRISHNA KUMAR  
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

One fair copy to the HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
(For His Lordship's Kind Perusal)

AND

One fair copy to the HON'BLE SRI JUSTICE J. SREENIVAS RAO  
(For His Lordship's Kind Perusal)

To

1. The Chairman, A.P. State Police Housing Corporation Ltd., Police Head Quarters, Saifabad, Hyderabad.
2. Two CCs to THE ADVOCATE GENERAL, High Court for the State of Telangana at Hyderabad. [OUT]
3. 11 L.R. Copies
4. The Under Secretary, Union of India, Ministry of Law, Justice and Company Affairs, New Delhi.
5. The Secretary, Telangana Advocates Association Library, High Court Buildings, Hyderabad.
6. One CC to SRI K.C.VENKAT REDDY, Advocate [OPUC]
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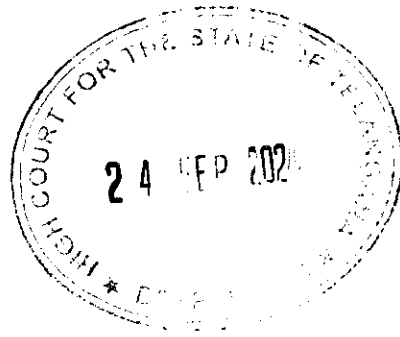


**HIGH COURT**

**DATED:24/09/2024**

**JUDGMENT**

**WA.No.404 of 2013**



**DISPOSING OF THE W.A  
WITHOUT COSTS.**

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24/09/24  
lex