

HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

[ 3418 ]

WEDNESDAY, THE FOURTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT APPEAL NOS: 13, 24 AND 31 OF 2024

WA NO.13 OF 2024:

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated. 20-06-2022 Passed in WP.No. 25859 of 2021. on the file of the High Court.

**Between:**

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Telangana Secretariat.
2. The Special Chief Secretary, and Chief Commissioner of Land Administration, Hyderabad, Telangana State.
3. The Special Officer And Competent Authority, Urban Land ceiling, Hyderabad.
4. The Special Deputy Collector, Urban Land Ceiling, Secunderabad Division Hyderabad District.
5. The District Collector, Hyderabad.
6. The Joint Collector, Hyderabad
7. The Revenue Divisional Officer, Secunderabad Division, Hyderabad.
8. The Tahsildar, Khairatabad Mandal, Khairatabad.

**AND**

...APPELLANTS/RESPONDENTS

1. G.Vishal Yadav, S/o late G.Nageshwar Rao, aged about 36 years, Occ. Employee, R/o. 15-3-416, Gowliguda Chaman Old Bus Depot, Hyderabad-500012.
2. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Hyderabad.
3. The Assistant City Planner, Circle No.17, Hyderabad.

....RESPONDENT/WRIT PETITIONER

...RESPONDENTS/RESPONDENTS

IA NO: 2 OF 2024

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 order of Learned Single Judge, in W.P.No.25859 of 2021, dated. 20-06-2022 in the interest of justice

**Counsel for the Appellants: SRI MOHAMMED IMRAN KHAN,  
ADDITIONAL ADVOCATE GENERAL**

**Counsel for Respondent No. 1: SRI SUNIL B. GANU, SENIOR COUNSEL  
FOR Ms. MANJARI S GANU**

**Counsel for Respondent Nos. 2 & 3: SRI K. SIDDHARTH RAO**

**WA NO: 24 OF 2024**

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated.  
20-06-2022, Passed in WP.No. 33645 of 2021 on the file of the High Court.

**Between:**

1. The State of Telangana, Rep. by its Chief Secretary, Telangana Secretariat, Hyderabad.
2. The Principal Secretary to Chief Minister, Chief Ministers office, Telangana Secretariat, Somajiguda /Green lands, Hyderabad.
3. The Principal Secretary, Revenue Department, Telangana Secretariat, Hyderabad.
4. The Special Chief Secretary and Chief Commissioner of Land Administration, Hyderabad, Telangana State.
5. The Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad.
6. The Special Deputy Collector, Urban Land Ceiling, Secunderabad Division, Hyderabad District.
7. The Telangana State Electricity Regulatory Commission, Represented by its Secretary, 5th floor H.N.11-4-660, Singareni Bhavan, Red Hills, Hyderabad-500004.
8. The District Collector and District Magistrate, Hyderabad District, Hyderabad.
9. The Revenue Divisional Officer, Secunderabad Division, Hyderabad.
10. The Tahsildar, Khairatabad Mandal, Khairatabad.

...APPELLANTS/RESPONDENTS

**AND**

1. Gaddam Nandu Yadav, S/o. G.Gandaiah Yadav, Age 65 years, Occ. Business, R/o.3-6-677, Flat No.116, MSK Towers, Street No.12, Beside Oxford School, Himayathnagar, Hyderabad.
2. Gaddam Sudershan, S/o. G.Gandaiah Age 61 years, Occ. Business, R/o.15-3-361, Gowliguda Chaman, Nampally, Hyderabad.
3. Gaddam Mahesh Yadav, S/o. G.Gandaiah Yadav, Age 63 years. Occ.Business, R/o.H.No.15-3-416, Gowliguda, Hyderabad.
4. G.Devender Yadav, S/o. G.Gandaiah, age 55 years, Occ. Business, R/o.15-3-416, Gowliguda old bus depot, Nampally, Begum Bazar Hyderabad.
5. B.Ravi Kumar Yadav, S/o. late B.Komraiah, Aged about 48 years, Occ. Business, R/o.H.No.13-6-438/A/64, Satyanarayana Nagar, Mehidipatnam, Hyderabad.
6. Banda Naresh Yadav, S/o. Banda Narayana Yadav, aged 49 years, Occu. Business, R/o. H.No.10-1-326, Chinthal Basthi, Opp. Site M.C.H Play Ground, Khairatabad, Hyderabad.
7. Banda Surender Yadav, S/o late Sattayya Yadav, Aged 52 years, Occ. Business, R/o H.No.10-1-155, Chinthal Basthi, Khairatabad, Hyderabad.
8. Banda Vishwanath Yadav, S/o Kummaraiyah, Aged. 59 years. Occ. Business, R/o 13-6-438/A/64, Satyanarayana Nagar, Mehidipatnam, Hyderabad.
9. Banda Govardhar Yadav, S/o late Banda Ramulu Yadav, Age 46 years, Occ. Business Rio H.No.6-3-54, Premnagar, Khairathabad, Hyderabad.

10. The Greater Municipal Corporation of Hyderabad, Rep. by its Commissioner,  
Tank bund Hyderabad. ....RESPONDENTS/PETITIONERS

11. The Chief City Planner, Greater Municipal Corporation of Hyderabad, Town  
Planning Section, Tanks Bund, Hyderabad

**IA NO: 2 OF 2024**

...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 suspend the order of Learned Single Judge, in W.P.No.33645 of 2021 dated. 20-06-2022 in the interest of justice

**Counsel for the Appellants: SRI MOHAMMED IMRAN KHAN,  
ADDITIONAL ADVOCATE GENERAL**

**Counsel for Respondent Nos. 1 to 9: Ms. B. NEERAJA REDDY, COUNSEL FOR  
Ms. BOKARO SAPNA REDDY**

**Counsel for Respondent Nos. 10 & 11: SRI K. SIDDHARTH RAO**

**WA NO: 31 OF 2024**

Writ Appeal under clause 15 of the Letters Patent Appeal against the order dated 20/06/2022 passed in the W P No 8292 of 2021 on the file of the High Court.

**Between:**

1. The State Of Telangana, Rep by the Principal Secretary, Revenue Dept, Telangana Secretariat.
2. The Special Chief Secretary Chief Commissioner Of Land Administration Hyderabad Telangana State, hyderabad
3. The Special Officer & Competent Authority Urban Land Ceiling Hyderabad, Hyderabad
4. The Special Deputy Collector Urban Land Ceiling Secunderabad Division Hyderabad District,
5. The District Collector Hyderabad, Hyderabad
6. The Joint Collector Hyderabad, Hyderabad
7. The Revenue Divisional Officer Secunderabad Division Hyderabad
8. The Tahsildar Khairtabad Mandal Khairtabad,

**AND**

...APPELLANTS/RESPONDENTS

1. B.Ravi Kumar Yadav, S/o late B.Komaraiah, aged about 48 years, Occ. Business, Rio. H.No.13-6-438/A164, Satyanarayana Nagar, Mehidipatnam, Hyderabad.
2. Banda Naresh Yadav, S/o. Banda Narayana Yadav, aged 49 years, Occ. Business, R/o. H.No.10-1-326, Chintal Basti, Opp. site MCH Play Ground, Khairatabad, Hyderabad.
3. Banda Surender Yadav, S/o. late Banda Sattayya Yadav, age 52 years, Occ. Business, R/o. H.No.10-1-155, Chintal Basti, Khairatabad, Hyderabad.
4. Banda Vishwanath Yadav, S/o Kummariah, age 59 years, Occ. Business, R/o. H.No.13-5-438/A/64, Satyanarayana Nagar, Mehidipatnam, Hyderabad.

5. Banda Govardhan Yadav, S/o. late Banda Ramulu Yadav, age 46 years, Occ. Business, R/o. H.No6-3-54, Prem Nagar, Khairatabad, Hyderabad.
6. Gaddam Nandu Yadav, S/o. G.Gandaiah Yadav, age 65 years, Occ. Business, R/o. H.No.3-6-677, Flat No.116, MSK Towers, Street No.12, Beside Oxford School, Himayathnagar, Hyderabad.
7. Gaddam Sudershan, S/o. G.Gandaiah, age. 61 years, Occ. Business, 15-3-361, Gowliguda Chaman, Nampally, Hyderabad.
8. Gaddam Mahesh Yadav, S/o. G.Gandaiah Yadav, age 63 years, Occ. Business, R/o. H.No.15-3-416, Gowliguda, Hyderabad.
9. G.Devender Yadav, S/o G.Gandaiah, age 55 years, Occ. Business R/o. H.No.15-3-416, Gowliguda old bus depot, Nampally, Begumbazar, Hyderabad.

....RESPONDENTS/PETITIONERS

10. The Greater Municipal Corporation of Hyderabad, Rep. by its Commissioner, Hyderabad.
11. The Assistant City Planner, Circle No.17, Hyderabad.
12. The Telangana State Electricity Regulatory Commission, rep. by its Secretary, 5th Floor H.No.11-4-660, Singareni Bhavan, Red Hills, Hyderabad-500004.

(Respondent No.11 is impleaded as per Court order dt.11-11-2021 in IA.No.2 of 2021.)

...RESPONDENTS/RESPONDENTS

**IA NO: 2 OF 2024**

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 order of Learned Single Judge, in W.P.No.8292 of 2021 dated. 20-06-2022 in the interest of justice, and to pass

**Counsel for the Appellants: SRI MOHAMMED IMRAN KHAN,  
ADDITIONAL ADVOCATE GENERAL**

**Counsel for Respondent Nos. 1 to 9: Ms. B. NEERAJA REDDY, COUNSEL FOR  
Ms. BOKARO SAPNA REDDY**

**Counsel for Respondent Nos. 10 & 11: SRI K. SIDDHARTH RAO**

**Counsel for Respondents No.12: Mr.P.PRASAD.**

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

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT APPEAL Nos.13, 24 and 31 of 2024**

**COMMON JUDGMENT:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Mohammed Imran Khan, learned Additional Advocate General for the appellants.

Mr. Sunil B.Ganu, learned Senior Counsel representing Ms. Manjari S.Ganu, learned counsel for the respondent No.1 in W.A.No.13 of 2024 (writ petitioner in W.P.No.25859 of 2021).

Ms. B. Neeraja Reddy, learned counsel representing Ms. Bokaro Sapna Reddy, learned counsel for respondents No.1 to 9 in W.A.Nos.24 and 31 of 2024 (writ petitioners in W.P.No.33645 of 2021 and W.P.No.8292 of 2021).

Mr. K. Siddharth Rao, learned counsel for the respondents No.2 and 3 in W.A.No.13 of 2024 and respondents No.10 and 11 in W.A.Nos.24 and 31 of 2024.

Mr. P. Prasad, learned Standing Counsel for respondent No.12 in W.A.No.31 of 2024.

2. In compliance of the order dated 21.08.2024, the learned Additional Advocate General has produced the original record for perusal of this Court.
3. With the consent of the learned counsel for the parties, the appeals are heard finally.
4. These intra court appeals emanate from a common order dated 20.06.2022 passed by the learned Single Judge in W.P.Nos.8292, 25859 and 33645 of 2021.
5. Facts giving rise to filing of these appeals briefly stated are that one Miss Olive Ogilvi and Miss Sybil Ogilvi were the owners of a big house along with appurtenant land. The aforesaid land was sold to one Mrs. Ahmedunisa Begum, vide sale deed dated 26<sup>th</sup> Azar 1337 Fasli (1927). The subject property was popularly known as 'Maman Bungalow'. The owner of the subject property, namely, Mrs. Ahmedunisa Begum gifted her property by way of

Hiba-bill-qabz on 01.03.1957 and the same was recorded in Memorandum of Gift Deed dated 12.04.1957 stating that Vicarunissa Begum, Iqbalunissa, Zamelunissa, Syed Khaza Maslehuddin, Syed Khaza Muzafaruddin and Syed Khaja Afzaluddin have been allotted equal shares in all part and parcel of the house and appurtenant land.

6. In the aforesaid gift deed, it was clearly recorded that some land was leased out to M/s. Burma Shell Company and site which was leased out to M/s. Caltex in which Syed Khaza Maslehuddin, Syed Khaza Muzafaruddin and Syed Khaja Afzaluddin alone have equal shares. Thereafter, the subject property was divided into two portions i.e., land into 2670.30 square metres and 2313.30 square metres to facilitate the purchase of the same by two sets of families. The first part of the land consisting of 2670.30 square metres was purchased by G.Laxmamma and nine others vide registered sale deed dated 20.03.1978.

7. After the aforesaid purchase, the subject property alone was demolished and a theatre by name Amaravathi was constructed after taking permission from the

Municipal Corporation of Hyderabad. Out of the remaining land, open space measuring 2000 square yards was being utilized for the theatre as well as parking of the vehicles of the petrol bunk.

8. In the year 2011, the Tahsildar affixed a notice issued under the provisions of the Andhra Pradesh Revenue Summons Act, 1869, on the wall of the theatre by which it was proposed to hold an enquiry on the ground that the State Government interest was involved in the subject property. The writ petitioners have submitted requisite documents in the said proceedings. Thereupon, the Collector on the basis of the report of the competent authority under the Urban Land (Ceiling and Regulation) Act, 1976, as well as the report of the Tahsildar dated 22.12.2011 issued a letter to the competent authority giving particulars of the proceedings under the aforesaid Act. It was stated in the aforesaid communication that as per TSLR, the land in Sy.No.5 is correlated to T.S.No.7, Block-L, Ward 83 of Khairatabad Village to an extent of 4818 square metres which was recorded in the name of



Vicarunnissa Begum and five others as Bangala Patta and an extent of Ac.1.35 guntas in the name of Chote Mem Saab as pattadar. It was clearly mentioned that the writ petitioners, who are occupants and are claiming title from Vicarunnissa Begum and five others, have constructed the theatre and two petrol bunks.

9. However, in the year 2016 another notice dated 21.06.2016 was affixed on the wall of the theatre by the District Collector, which was addressed to one R. Kommaraiyah, who was not alive by that time. The aforesaid notice was required to call upon the illegal occupants to submit applications for regularizing illegal occupation or surplus land in terms of G.O.Ms.No.92. The writ petitioners did not choose to file an application seeking regularization. Thereafter, a communication dated 25.02.2021 was forwarded to the State Government for according permission to alienate the premises belonging to the writ petitioners i.e., H.No.6-1-1072, 6-1-1073, 6-1-1072/1 and 6-1-1073/1, Khairtabad, Hyderabad, to an extent of 1287 square metres in T.S.No.7, Block-L,

Ward No.83 of Khairtabad Village, Hyderabad (hereinafter referred to as, "the subject land"), in favour of the Telangana State Electricity Regulatory Commission (TSERC). The Special Chief Secretary, Government of Telangana, issued a communication dated 30.11.2021 directing the Revenue Divisional Officer to handover the advance possession to the District Collector to an extent of 500 to 600 square metres in T.S.No.7, Block-L, Ward No.83 of Khairtabad Village, Hyderabad. The writ petitioners thereupon filed the writ petitions in which challenge was made to the order dated 25.02.2021 by which the land was proposed to be allotted to TSERC. The writ petitioners further assailed the action of the appellants in trying to take possession of the subject land.

10. The learned Single Judge by the common order dated 20.06.2022 quashed the proceedings dated 25.02.2021 by which the subject land was sought to be allotted to the TSERC. The communication issued on 30.11.2021 as well as the proceedings dated 19.03.2021 and 31.05.2021 issued for allotment of land were also quashed. In the

aforesaid factual background, these appeals have been filed.

11. Learned Additional Advocate General submitted that the subject land has been declared to be a surplus land under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976, on the basis of the declaration given by the owners of the land that they have no objection to the land being declared surplus. It is further submitted that the learned Single Judge ought not to have expressed any opinion with regard to the title of the parties. It is also urged that in any case, the learned Single Judge ought to have granted the liberty to the appellants to proceed in accordance with law.

12. On the other hand, the learned Senior Counsel and the learned counsel for the respondents (writ petitioners) have supported the order passed by the learned Single Judge.

13. We have considered the rival submissions made on both sides and have perused the record.

14. The Constitution Benches of the Supreme Court in **Sohan Lal v. Union of India**<sup>1</sup> and **Thansingh Nathmal v. Superintendent of Taxes, Dhubri**<sup>2</sup>, have held that the question of title cannot be gone into in a writ petition. Admittedly, the orders dated 25.02.2021, 30.11.2021, 19.03.2021 and 31.05.2021 have been passed without affording an opportunity of hearing to the writ petitioners. On this ground alone, the orders of allotment and the order directing handing over advance possession of the subject land cannot be sustained in the eye of law.

15. In view of the aforesaid Constitution Bench decisions of the Supreme Court, it is clarified that the order of the learned Single Judge shall be treated to have not expressed any opinion with regard to the title of the properties and it will be open for the appellants to take action, if so advised, against the respondents (writ petitioners) in accordance with law.

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<sup>1</sup> AIR 1957 SC 529

<sup>2</sup> AIR 1964 SC 1419

16. To the aforesaid extent, the common order passed by the learned Single Judge is modified.

17. In the result, the writ appeals are disposed of.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

SD/-T. KRISHNA KUMAR  
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Telangana Secretariat.
2. The Special Chief Secretary, and Chief Commissioner of Land Administration, Hyderabad, Telangana State.
3. The Special Officer And Competent Authority, Urban Land ceiling, Hyderabad.
4. The Special Deputy Collector, Urban Land Ceiling, Secunderabad Division Hyderabad District.
5. The District Collector, Hyderabad.
6. The Joint Collector, Hyderabad
7. The Revenue Divisional Officer, Secunderabad Division, Hyderabad.
8. The Tahsildar, Khairatabad Mandal, Khairatabad.
9. The State of Telangana, Rep. by its Chief Secretary, Telangana Secretariat, Hyderabad.
10. The Principal Secretary to Chief Minister, Chief Ministers office, Telangana Secretariat, Somajiguda /Green lands, Hyderabad.
11. The Secretary, Telangana State Electricity Regulatory Commission, 5th floor H.N.11-4-660, Singareni Bhavan, Red Hills, Hyderabad-500004.
12. Two CCs to the Advocate General, High Court for the State of Telangana. [OUT]
13. One CC to Ms. Manjari S Ganu Advocate [OPUC]
14. One CC to Ms. Bokaro Sapna Reddy, Advocate(OPUC)
15. Two CD Copies

MBC

BS

*By*

HIGH COURT

DATED: 04/09/2024



COMMON JUDGMENT

WA NOS: 13, 24 AND 31 OF 2024

DISPOSING OF WRIT APPEALS

WITHOUT COSTS

18  
25/09/24  
b.s.