

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

**THURSDAY, THE TWENTY FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION (PIL) NO: 339 OF 2017

Between:

1. Sri. Venkat Ramulu, S/o Late Narasappa Aged about 76 yrs, Occ Advocate, R/o 1-6-24, Civil Line, Narayanpet Proper and Mandal, Dist Mahabub Nagar (TS)
2. Sri Nagu Rao Namaji, S/o Late Venkoba, Aged about 63yrs, Occ Advocate and Social Worker, R/o 4-11-22/1, Line Wada, Narayanpet Proper and Mandal, Dist Mahabub Nagar (TS).

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principle Secretary, Department of Higher Education, Secretariat Building, Hyderabad
2. The Regional Director, Department of Higher Education, Warangal District Warangal (T.S)
3. The Regional joint director, Dept, of Higher Education , Warangal District (T.S)
4. The Collector, Mahabubnagar District, Mahabubnagar (T.S)
5. The Principal, Govt., Junior College, Narayanpet Proper and Mandal, District Mahabubnagar.
6. M/s Surya Laxmi Degree College, Rep by through its correspondent and secretary, Narayanpet, Town and Mandal, District Mahabubnagar,.
7. Sri Ghanshayam Dharak, S/o Ram Nivas Dharak, Aged about 65yrs, Occ Business, R/o Beside Raviteja School, Civil lane, Narayanpet, District Mahabubnagar .
8. Sri Mandhar, S/o Late Manik Rao Choutavi, Aged about 45yrs, Occ Business, R/o Behind Sai Baba Temple, Sai Colony, Narayanpet District Mahabubnagar.
9. Sri Swaroop Anthu, S/o Raghunath Rao Anthu, Aged about 60yrs, Occ Business, Rio 15-4-65, Gowliguda Chaman, 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 appropriate orders one in the nature of Writ of mandamus declaring the inaction of the official respondents no. 1 to 4 in not taking action against the respondents no. 6 to 9 and resuming, the land of the respondent no.5 in sy.no. 461 admeasuring Ac14-29gts of Pallaburgu Narayanpet Town, Mahabubnagar District in pursuance of the representations of petitioners dated 18-7-2017 and 24-8-2017 and failing to hand it over to the respondent no.5 is arbitrary, illegal, against the principles of rules of law and natural justice and pass such other suitable orders for which respondent no.5 will legally entitle in law consequently direct the respondent no. 1 to 4 to initiate criminal action against the respondent no. 6 to 9 for trespass and recover the damages for holding land of the 5th respondent into their illegal custody

I.A. NO: 1 OF 2017(WP(PIL)MP. NO: 637 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 pass an order directing the respondent no.1 to 4 to prevent further encroachment and construction by the respondents no 6 to 9 or any third parties on the land in sy.no. 461 admeasuring Ac14-29gts of Narayanpet Town, Mahabubnagar District as per the registered sale deed dated 12-10-1970 vide document no. 820/1970 executed in favour of Vidhya Vardhaka Samithi Government Junior College Narayanpet, belongs to the 5th respondent

Counsel for the Petitioners: SRI. M VIJAYA KUMAR GOUD

**Counsel for the Respondent Nos.1 to 5: SRI S. RAHUL REDDY SPL GP FOR
Additional. ADVOCATE GENERAL**

**Counsel for the Respondent NOs.6 &8: SRI AVINASH DESAI FOR SRI KOPAL
SHARRAF**

The Court made the following: ORDER

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

WRIT PETITION (PIL) NO. 339 OF 2017 ✓

ORDER: *(Per the Hon'ble Sri Justice J.Sreenivas Rao)*

This writ petition is filed for the following relief:

“For the reasons stated in the circumstances above, the petitioner herein prays that this Hon'ble High Court may be pleased to issue appropriate orders one in the nature of Writ of mandamus declaring the inaction of the official respondent Nos.1 to 4 in not taking action against the respondent Nos.6 to 9 and resuming the land of the respondent No.5 in Sy. No.461 admeasuring Ac.14-29 gts of Pallaburgu, Narayanpet Town, Mahabubnagar District in pursuance of the representations of petitioners dated 18.7.2017 & 24.8.2017 and failing to hand it over to the respondent No.5 is arbitrary, illegal, against the principles of rules of law and natural justice and pass such other suitable orders for which respondent No.5 will legally entitle in law consequently direct the respondent No.1 to 4 to initiate criminal action against the respondent Nos.6 to 9 for trespass and recover the damages for holding land of the 5th respondent into their illegal custody and pass such other necessary order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case and in the interest of justice.”

2. Brief facts of the case:

2.1 The petitioners averred that they are practising advocates and senior citizens of Narayanpet Town and Mandal of Mahabubnagar

District, conducted extensive inquiries, gathered information from various authorities, and lodged complaints with the official respondents regarding the illegal actions committed by respondent Nos. 6 to 9 by obtaining a false and collusive decree from the Courts behind the back of respondent No.5, have illegally occupied part of the land admeasuring Ac.14-29 guntas in Sy.No.461 situated at Pallabuzrug Shivar, Narayanpet town, Mahabubnagar district, which belongs to respondent No.5 and making illegal constructions thereon.

Though the petitioners made representations dated 18.07.2017 and 24.08.2017 to respondent Nos.1 to 5 for safeguarding the property, they have not taken action for resuming the said land from the respondent Nos.6 to 9.

2.2 It is further averred that prior to 1970, a Government High School was existing in Narayanpet, Mahabubnagar District and some well-wishers and elders of the area wanted a Government Junior College and made requests to the Government. The authorities asked them to form a society and donate land and money to convert the High School into a Junior College. Then elders of Narayanpet formed a society by name, Vidya Vardhak Samithi, Government Junior College, Narayanpet and purchased Ac.14.29 guntas of land in Survey No.461 at Pallabuzurg area of Narayanpet proper, through a registered sale deed, in the name of the Government Junior College, Narayanpet from its lawful owner and possessor by name

Sri Raghunath Rao Antoo, s/o Manik Rao Antoo of Narayanpet, with sole intention to get sanction the Government Junior College at Narayanpet proper.

2.3 It is also averred that the Government has sanctioned Junior College, with some conditions to donate land and deposit funds in the bank in the name of the college. The then District Educational Officer, Mahabubnagar, informed the concerned Principals, including the Principal of Government Junior College, Narayanpet to submit the details of the purchased land and the amounts to be deposited. The Principal sent the particulars, showing the purchased land of Ac.14.29 guntas and the deposit of Rs.25,000/- in the State Bank of Hyderabad, Narayanpet Branch for sanction of Government Junior College, by forming into a committee by name M/s Vidya Vardhaka Samithi, Government Junior College, Narayanpet, making the Government as owner of the said land.

2.4 It is further averred that M/s Surya Laxmi Degree College, a private institution for which the then MLA Mr. Chittem Narsi Reddy is Secretary, attempted to make constructions over the part of the said land which belongs to Government Junior College, Narayanpet. The then Principal of the Government Junior College informed to the Regional Joint Director of Higher Education, Warangal *vide* letter dated 27.09.1991 in respect of unauthorized construction to higher authorities, but no action was taken to protect the land. Principal of

the Government Junior College wrote another letter on 22.06.2017 to higher authorities regarding encroachments, but again no action was taken. As a result, private shops, institutions, and a private school called 'Krishna Gokula' have been set up on part of the land. Several individuals have also illegally occupied part of the property of Government Junior College, Narayanpet by creating false documents.

2.5 It is further averred that one M/s. Chaitanya Bharati Educational Society, applied for permission to run private degree college and in the name of Mr.Chittem Narsireddy @ Narsimha Reddy, as a patron of that society and it was running in a private premises of RR Antu Building at Narayanpet proper, in the meanwhile, they formed M/s Surya Laxmi Educational Society in the year 1988 and purchased land to an extent of Ac.14.24 guntas in Sy.No.36 situated at Venkatapur Village in the limits of Pagidimarry village of Utkur Mandal for construction of their college building therein through registered sale deed on 08.10.1990.

2.6 It is further stated that on seeing the subject land lying vacant, one Mr.Swarup Antu, son of the vendor of the said property to the Government Junior College, with collusion of one late Mr.Sita Ram Rao, Advocate, Ex.Municipal Chairman, who was also family Advocate of Mr. Swarup Antu, with malafide intention to take hold of Government Junior College vacant land, got filed a suit in O.S. No.95 of 1987 on the file of Subordinate Judge, Mahahubnagar seeking

cancellation of the sale deed dated 12.10.1970 without making the Government/Education Department and respondent No.5 as parties to the said case, by showing Mr. Sita Ram Rao, Ex-Chairman, Municipality, Narayanpet as Secretary of M/s. Vidya Vardhaka Samithi Junior College, Narayanpet and three others, who falsely claimed ownership of the land. In the said suit, Mr.Chittem Narsi Reddy, the then M.L.A. of Makthal and Correspondent and Secretary of M/s. Surya Laxmi Degree Private College, Narayanpet, impleaded himself as defendant No.5, along with his henchmen namely Mr.Vamanageri Saraf Krishna, Mr.Ramchander Rao Kalyani, Mr.V.Manik Rao Choutavi, Mr.Ghanashyam Darak, Mr.Dilip Kumar Vaikunt, Mr.Sudershan Reddy and Mr.Narsing Rao Choudary as defendant Nos.6 to 12 respectively *vide* orders in I.A. No. 545 of 1991, dated 09.07.1992. In the written statement filed on 19.11.1993 by the defendant Nos.5, 6, 11, and 12 and defendant No.1 on 02.08.1988, they contended that the subject land sold to the Government Junior College of Narayanpet is classified as excess ceiling land in proceedings of ceiling case No.133/75/MKL. However, the ceiling authority clarified that the subject land was not excess ceiling land and confirmed that it had been sold to the Government Junior College stating that the plaintiff had no right to file the suit.

2.7 It further stated though M/s Surya Laxmi Degree College in Narayanpet is nothing to do with the Government Junior College or

Vidhya Vardhaka Samithi. The parties involved in the suit were compromised on 13.11.1996 by playing fraud against the Court on saying as if the registered sale deed as null and void. The plaintiff and defendants admits that M/s Surya Laxmi Degree College is the owner of the land to an extent of Ac.10-00 guntas in Sy.No.461, though it has nothing to do with the title and possession of the same, illegally granted the land to an extent of Ac.0-27 guntas, Ac.2-05 guntas and Ac.1-37 guntas to defendant Nos.8, 9 and the plaintiff therein. Therefore, the judgment obtained under the compromise memo dated 12.12.1996 in O.S. No. 95 of 1987 is not binding on respondent Nos.4 and 5, as they were not parties to the suit. Additionally, the individuals involved have occupied the land illegally without compensating the Government and are liable for damages. The Vidya Vardhaka Samithi was not a registered society, rendering any transfer of property illegal. Mr. Muralidhar Bhandare, legal heir of late Sri Saibanna Bhandare filed an affidavit stating that the subject property exclusively belongs to the Government Junior College, and he has no claims against it.

2.8 It is further stated that the petitioners assert that the parties involved in a suit regarding Government land are illegally occupying it and committing criminal offenses, for which they have to be prosecuted by taking back the property, collecting damages for illegal possession and enjoyment and handing over the same to the

Government Junior College, Narayanpet. Various political parties and student organizations have protested for illegal occupation of the land, and submitted multiple representations to the Government to recover the land from the respondents. Despite the same, no action has been taken to restore the land to the Government Junior College and the current value of the land is more than Rs.100 crores and the same remains in the illegal possession of private individuals and institutions.

2.9 It is further averred that the petitioners are claiming that the property of the Government Junior College in Narayanpet has been illegally occupied by respondent Nos.6 to 9, who compromised the suit regarding the property without including the respondent No.5 and Government as parties and behind their back, constructions have been made on the land illegally. The petitioner and other individuals have submitted representations to protect the property and restore it to respondent No.5 College, which was established in 1970. As there is no response, the petitioners are compelled to file the present Writ Petition (PIL) to safeguard the Government property.

3. Respondent No.5 filed counter affidavit on 23.01.2018 stating that the land admeasuring Ac.14-29 guntas in Sy.No.461 was purchased by Vidhya Vardhak Samithi, Government Junior College, Narayanpet through registered sale deed bearing document No.820 of 1970, dated 12.10.1970 from the original owner with an intention

to upgrade the High School into Government Junior College and further stated that one Swarup Antu who is the son of Raghunath Rao Antoo, vendor of the subject property filed suit in O.S.No. 95 of 1987 seeking cancellation of the sale deed dated 12.10.1970 and the said suit was decreed basing on the compromise entered by the parties on 12.12.1996 and the same is not binding upon respondent No.5. It is further stated that when Surya Laxmi Degree College, Narayanpet making construction in the subject property, respondent No.5 addressed a letter to the Regional Joint Director of Higher Education, Warangal on 27.09.1991 to protect the subject land.

4. Respondent No.6 filed counter affidavit on 17.04.2018 denying the averments made in the writ petition and contended that the Society by name Vidhya Vardhak Samithi purchased the land to an extent of Ac.14.29 guntas through registered sale deed dated 12.10.1970 from the original owner by paying valuable sale consideration in the name of the Vidhya Vardhak Samithi and the same is belonging to Government and also stated that when the said Society attempted to donate the land to the Government to set up a Government Junior College, the Government has set out the conditions requiring 20 acres of land and an amount of Rs.50,000/- in the bank in the name of Government Junior College. But the said Society could not fulfill the conditions laid down by the Government.

In the meanwhile, respondent No.9 filed suit in O.S.No.95 of 1987 on the file of the Subordinate Judge at Mahabubnagar, seeking cancellation of the sale deed dated 12.10.1970 executed by his father and the suit schedule property was part of undivided joint family of the plaintiff and the said sale is not binding upon him. In the said suit, plaintiff, defendant Nos.2, 4 and other defendants admitted the ownership of respondent Nos.6 to 8 and declared respondent No.6 as owner and possessor of the land in Sy.No.461 to an extent of Ac.10-00, respondent No.8 to an extent of Ac.0-27 guntas and respondent No.7 to an extent of Ac.2-05 guntas basing on the compromise entered by the parties, the said suit was decreed on 12.12.1996.

5. Similarly, respondent No.6 filed reply to the counter affidavit of respondent No.5 on 16.07.2018 denying averments made by the respondent No.5 and contended that the Government High School was upgraded to Government Junior College is not in the subject land and is altogether in a different survey number bearing door No.1-1-9 falling in ward No.4 and door No.2-1-90 falling in ward No.1 and the playground of the Junior College is in Sy.Nos.271 and 272 at Pallabuzurg, Narayanpet and the said Government Junior College is approximately half kilometer away from the respondent No.6 Degree College and respondent No.6 College bearing door No.1-6-41/1, 1-6-41/1/A and 1-6-41/1/B falling in ward No.8 are in Sy.No.461 at Pallabuzrug, Narayanpet and the total extent of land in Sy.No.461 is

Ac.14-29 guntas. It is further averred that the said land was alleged to be declared as surplus land under the Urban Land (Ceiling and Regulation) Act, 1976 and respondent No.6 filed objections and the competent authority after following the due procedure allowed the appeal in favour of respondent No.6 vide proceedings dated 15.09.1994. Hence, the contention of respondent No.5 that the subject land is a Government land is not true and correct. It is also stated that respondent No.6 and the Society wanted to donate the Degree College along with Ac.8-00 of land to the Government. Government also issued G.O.Ms.No.1 of 2018 dated 03.01.2018 transferring the Degree College from respondent No.6 to the Government. Pursuant to the said transfer, the buildings of respondent No.6 standing in the subject land are donated to the Government and mutation is also effected in the name of Sri Chittem Narsi Reddy Memorial Government Degree College on 08.06.2018 and pursuant to the transfer of respondent No.6 College to Government, respondent No.6 College is being run and managed by the Government and the admissions for the academic year 2018-19 are made by the Government and the salaries to the staff are also being paid by the Government. The petitioners have filed the present Writ Petition (PIL) with an oblique political motive and the same is liable to be dismissed.

6. Respondent No.4 filed counter affidavit on 23.07.2018 stating that pursuant to the interim order passed by this Court in this writ petition dated 17.07.2018, the Revenue Divisional officer, Narayanpet visited the spot and got demarcated the disputed the land in Sy.No.461 and submitted report stating that an extent of Ac.8-13 guntas is covered by Chittem Narsi Reddy Government Degree College, Narayanpet has been handed over by Sri C.Rammohan Reddy, Correspondent of Surya Laxmi Degree College to the Principal, Sri Chittem Narsi Reddy Government Degree College, Narayanpet under cover of panchanama dated 19.07.2018.

7. Respondent No.1 filed counter affidavit on 20.09.2024, wherein it is stated that an extent of Ac.8-13 guntas of land covered in Sy.No.461 of Pallabujrug of Narayanpet Mandal was handed over from Sri C.Rammohan Reddy, Correspondent of Surya Laxmi Degree College to the Principal, Sri Chittem Narsi Reddy Government Degree College, Narayanpet under cover of panchanama dated 19.07.2018 and the Tahsildar, Narayanpet vide his proceedings No. ROR B/2329/2020, dated 18.09.2021 has carried out the changes in the revenue records i.e., re-naming the land instead of Surya Laxmi Degree College, Narayanpet to Sri Chittem Narsi Reddy Memorial Government Degree College, Narayanpet. It is also stated that the Tahsildar, Narayanpet issued letter dated 29.11.2021, wherein it is stated that, as per new amended Act, Telangana Rights in Land and

Pattadar Pass Books Act, 2020 (The Act No.9 of 2020), the District Collectors are competent authorities to change the nomenclature of the said Degree College in the revenue records and he has submitted the proposals in proforma-I for changing the nomenclature of the said Degree College in the Dharani Portal and he also stated that the Collector and District Magistrate through proceedings letter No.D/303/2024, in March, 2024 has requested the CCLA, TS, Hyderabad to incorporate the title in respect of land in Sy.No.461/AA/A/1/1 extent of Ac.8-13 guntas in the name of Sri Chittem Narsi Reddy Memorial Government Degree College, Narayanpet in Dharani records. Now the issue is pending with the Chief Commissioner for Land Administration, Hyderabad.

8. Petitioners filed re-joinder stating that respondent No.6 is not the owner of the subject property and question of donating and transferring the land to an extent of Ac.8-13 guntas in Sy.No.461 to the Government does not arise and the Government issued G.O.Ms.No.1 of 2018, Higher Education (CE) Department dated 03.01.2018 was brought into existence at the instance of Sri C.Rammohan Reddy, who is representing respondent No.6 College.

9. Heard Sri M.Vijay Kumar Goud, learned counsel for the petitioners, Sri S.Rahul Reddy, learned Special Government Pleader, representing learned Additional Advocate General appearing on behalf of respondent Nos.1 to 5 and Sri Avinash Desai, learned

Senior Counsel representing Mr. Kopal Sharraf, learned counsel for the respondent Nos.6 and 8.

10. Submissions made by the learned counsel for the petitioners:

10.1 Learned counsel for the petitioners submits that Vidya Vardhak Samithi, Government Junior College, Narayanpet purchased the subject property to an extent of Ac.14-29 guntas in Sy.No.461 situated at Pallabuzurg area, Narayanpet from Sri Raghunath Rao Antoo through registered sale deed bearing document No.820 of 1970, dated 12.10.1970. At the time of execution of the said document, Sri Saibanna s/o Dakanna Saab Urf Bhandare was the Secretary of the said Samithi. Since then the Government Junior College is in possession of the subject property. He further contended that respondent No.9 filed suit in O.S.No.95 of 1987 on the file of the Subordinate Judge, Mahabubnagar seeking declaration of the sale deed dated 12.10.1970 executed by defendant No.2, who is none other than his father, in favour of defendant No.1 is illegal, void and not binding upon him, without impleading the Government as a party defendant in the said suit, the plaintiff and defendants therein entered into compromise. Basing on the said compromise, the above said suit in respect of Ac.12.32 guntas is dismissed and decreed in respect of Ac.1-37 guntas in favour of respondent No.9

and the parties obtained the decree in O.S.No.95 of 1987 by playing fraud and the same is not binding upon respondent Nos.1 to 5.

10.2 He further contended that respondent No.6 Society is nothing to do with the subject property. Admittedly, the subject property was purchased by the Vidya Vardhaka Samithi, Government Junior College, and respondent No.6 is not having any right, interest or *locus standi* to donate the subject land to the Government. When local public and petitioners have raised their voice against Chittem Narsi Reddy, who is father of the deponent of respondent No.6 for holding the public property illegally, the said Chittem Narsi Reddy has come forward and agreed to hand over the entire assets of movable and immovable to the Government by passing the unanimous resolution. Accordingly, the then Government had issued G.O.Ms.No.3 of 2004, Higher Education (CE.II.2) Department dated 12.01.2004 and the entire assets have been handed over to the Government without payment of any compensation. The question of surrendering the land by respondent No.6 once again does not arise and the G.O.Ms.No.1 of 2018 Higher Education (CE) Department dated 03.01.2018 was brought into existence at the instance of deponent of respondent No.6. He further contended that respondent No.5 specifically stated in the counter affidavit that the subject property belongs to the Government Junior College and respondent No.6 has nothing to do with the subject property. He further

contended that as on today, respondent No.6 is in possession of the subject property. The Government has not taken physical possession, only conducted paper panchanama on 19.07.2018 even without properly mentioning the boundaries etc. Respondent Nos.1 to 5 have not taken positive steps to protect the Government property.

11. Submissions made by the learned Senior Counsel appearing on behalf of respondent Nos.6 and 8:

11.1 Mr.Avinash Desai, learned Senior Counsel submits that Vidhya Vardhak Samithi is an unregistered Educational Society, and it purchased the land to an extent of Ac.14-29 guntas through registered sale deed bearing document No.820 of 1970, dated 12.10.1970. When the said Samithi proposed to donate the subject land to the Government for a Junior College, the said transfer has not taken place on the ground that the District Educational Officer, Mahabubnagar, Andhra Pradesh, prescribed various conditions including cash and donation of Ac.20-00 of land is required for the Government Junior College. In the meanwhile, Vidya Vardhak Samithi was registered as Surya Laxmi Educational Society on 23.01.1988 and the said Society started Surya Laxmi Degree College in 1984 by constructing buildings in an extent of Ac.10-00. He further submitted that in O.S.No.95 of 1987 filed by the respondent No.9, the parties therein admitted the ownership of respondent No.6

and the said suit was decreed pursuant to the memorandum of compromise entered by the parties, wherein Ac.10-00 of land on which Surya Laxmi Degree College was running was settled in favour of respondent No.6 and remaining extent decided in favour of parties through judgment and decree dated 12.12.1996 and the said Surya Laxmi Degree College continued to run as a private aided Degree College.

11.2 He further contended that in the year 2004, said Surya Laxmi Educational Society requested the Government to take over a portion of the College approximately Ac.8-13 and make it as a Government Junior College along with taking over the Teachers and Staff. However, in the year 2004, the Government directed the transfer of only selected categories of teachers/staff along with the takeover of the College, and the teachers and staff of Surya Laxmi Degree College opposed the said take over and raised protest against it from 2004 to 2018. Finally, said transfer was completed through G.O.Ms.No.1 of 2018 dated 03.01.2018 issued by the Government, transferring Ac.8-13 guntas of the subject land and besides the said transfer, the name of respondent No.6 College changed into Chittam Narsi Reddy Memorial Government Degree College, Narayanpet.

11.3 He further contended that Ac.8-13 guntas taken over by the Government after conducting panchanama and the land of Ac.8-13 guntas is under the control of the Government. The petitioners filed

the present writ petition in the year 2017 with an intention to defame the respondent No.6 College.

12. Submissions made by the learned Special Government Pleader on behalf of respondent Nos.1 to 5:

12.1 Learned Special Government Pleader submits that the Government has already taken possession of Ac.8-13 guntas of land after conducting panchanama, dated 19.07.2018 and the Tahsildar, Narayanpet issued proceedings dated 18.09.2021 and carried out the changes in the revenue records re-naming the land from Surya Laxmi Degree College, Narayanpet to Sri Chittem Narsi Reddy Memorial Government Degree College, Narayanpet and for incorporation of the above property in Dharani records, the same is pending before the Chief Commissioner of Land Administration.

Analysis:

13. Having considered the rival submissions made by the respective parties and perused the material available on record. The main grievance of the petitioners is that the subject land to an extent of Ac.14-29 guntas in Sy. No.461 is belonging to respondent No.5 and respondent Nos.6 to 9 are in illegal possession of the same and respondent Nos.1 to 4 have not taken any action to resume the land of respondent No.5 and not initiating the action against respondent Nos.6 to 9 for trespass and recovery of damages. Whereas the claim

of respondent No.6 is that originally Vidhya Vardhaka Samithi purchased the land to an extent of Ac.14-29 guntas through registered sale deed on 12.10.1970 by paying valuable sale consideration and subsequently the said Samithi was registered as Surya Laxmi Educational Society on 23.01.1988 and therefore, the subject property is not belonging to the Government. After perusal of the sale deed dated 12.10.1970, it reveals that the sale deed is in 'Urdu'. The petitioners have filed translated copy of the said document, which reveals that one Raghunath Rao Antoo executed registered sale deed on 12.10.1970 alienating Ac.14-29 guntas of land in Sy.No.461 situated at Pallabuzrug, Narayanpet, Makthal Taluk with a consideration amount of Rs.1,200/- in favour of Vidhya Vardhak Samithi, Government Junior College, Narayanpet and making absolute sale. At that time, Secretary of the said Samithi was Sri Saibanna S/o Dakanna Sab.

14. The record further reveals that respondent No.9 filed suit in O.S.No.95 of 1987 on the file of Subordinate Judge, Mahabubnagar against Vidhya Vardhak Samithi, Junior College, Narayanpet and others seeking declaration declaring that the registered sale deed dated 12.10.1970 executed by his father namely Raghunath Rao Antoo who is defendant No.2 in the said suit, in favour of defendant No.1 namely, Vidhya Vardhak Samithi, Government Junior College, Narayanpet, is illegal, void and not binding upon him. In the said

suit, the parties have filed compromise petition under Order 23 Rule 3 of Code of Civil Procedure, 1908 vide I.A.No.817 of 1996 on 13.11.1996, wherein it is stated that defendant Nos.1, 5, 6, 7, 11, 12 and one Bhandari Saibanna have constituted an education committee by name Vidya Vardhak Samithi at Narayanpet for development of education. The said Vidhya Vardhak Samithi was an unregistered body for which defendant No.7 was elected as a President, defendant No.5 as Vice-President and Bhandari Saibanna as Secretary to the said Samithi and the said Samithi purchased Ac.14-29 guntas in Sy.No.461 through registered sale deed on 12.10.1970 and the said Saibanna died in the year 1973 and President of the said Samithi and defendant No.12 also died. The Vice-President of said Samithi, defendant Nos.5, 6, 8, 9 and 11 have started Degree College in the year 1984 by name Surya Laxmi Degree College and got registered Vidhya Vardhak Samithi as Surya Laxmi Educational Society and the landed property vested in the name of Vidhya Vardhak Samithi is merged into registered Surya Laxmi Educational Society and is in possession. The Surya Laxmi Degree College established by registered society is having permanent buildings and play ground in Sy.No.461 to the extent of Ac.10-00 of land. Plaintiff and defendant Nos.2 to 4 and other defendants admitted the ownership of Surya Laxmi Degree College and possession to an extent of Ac.10-00 in Sy.No.461 and defendant No.8

is in possession of Ac.0-27 guntas, defendant No.9 is in possession of Ac.2-05 guntas and admittedly, the claim of the plaintiff is in respect of Ac.1-37 guntas. In the said suit, defendant No.10 remained ex-parte. Defendant Nos.7 and 12 died and the suit was abated against them. Basing on the said compromise, the suit was decreed on 12.12.1996. It is an undisputed fact that respondent Nos.1 to 5 herein are not the parties in the said suit and plaintiff therein is not made the Vidhya Vardhak Samithi, Government Junior College, Narayanpet as party defendant and he made Vidhya Vardhak Samithi, Junior College, Narayanpet as party defendant No.1.

15. As per the registration extract filed by the petitioners along with the writ petition, Chaitanya Bharathi Educational Society was registered on 28.08.1984 vide registration No.1395 of 1984 as per the provisions of the Andhra Pradesh (Telangana Area) Public Societies Registration Act, 1350 Fasli. It is also an undisputed fact that Surya Laxmi Educational Society had purchased another agriculture land to an extent of Ac.14-24 guntas in Sy.No.36 for the purpose of agriculture, horticulture and research center. The subject property claimed in the present writ petition is Ac.14-29 guntas covered by Sy.No.461 and the other extent of Ac.14-24 guntas is in Sy.No.36 and both are totally different. It further reveals that Government of Andhra Pradesh has issued G.O.Ms.No.3, Higher Education (CE.II.2) Department dated 12.01.2004 taking over the Surya Laxmi Degree

College (Aided) by the Government, Narayanpet, Mahabubnagar District, with certain conditions, which are mentioned in para No.6, which reads as follows:

"6. Accordingly, the Government hereby direct that the Surya Laxmi Degree College (Aided), Narayanpet, Mahaboobnagar Dist., be taken over and transferred to the Government under Sub-Section (1) of Section 60 of the A.P. Education Act, 1982 from the next financial year i.e., 1-4-2004 subject to the following conditions:-

1. All assets of movable and immovable should be handed over to the Government without payment of any compensation.
2. Surplus staff (teaching and non teaching), shall be transferred to needy Government Degree Colleges, in the same zone.
3. All the teaching and non-teaching staff working in Surya Laxmi Degree College have to take last ranks after take over and there will be no right to them to claim seniority in future.
4. There shall be no additional financial commitment to Government either now or in future.
5. No member in teaching and non-teaching in unaided posts shall be taken over.
6. The liabilities, if any, also be settled by the society, before the take-over of the college."

16. The specific contention of the learned Senior Counsel appearing on behalf of respondent Nos.6 and 8 is that the conditions stipulated in the G.O.Ms.No.3 were not complied. By virtue of the

same, Government has not taken possession of the subject property in the year 2004.

17. The record further reveals that the Government of Telangana had issued G.O.Ms.No.I, Higher Education (CE) Department, dated 03.01.2018 transferring the respondent No.6 College staff into Collegiate Education Service. It is very much relevant to extract the said G.O., which reads as follows:

"GOVERNMENT OF TELANGANA

ABSTRACT

Collegiate Education - Surya Laxmi Degree College, Narayanpet, Mahabubnagar District (renamed as Sri Chittam Narsi Reddy Memorial Government Degree College) Fixation of Cadre Strength of posts and absorption of 5 Teaching and 13 Non-Teaching staff working as on the date of the physical takeover of the College and working as of now, into Collegiate Education Service and payment of salaries under "O10" provision on par with the staff of Government Degree Colleges Orders-Issued.

HIGHER EDUCATION (CE) DEPARTMENT

G.O.Ms.No.1

Dated: 03-01-2018.

Read the following:

1. G.O.Ms.No.173, Education (C.II) Dept., dt.04-05-1991.
2. G.O.Ms.No.3, Higher Education (CE. (II-2) Dept., dt.12-01-2004.
3. G.O.Ms.No.11, Higher Education (CE.II-1) Dept. dt.20-02-2004.
4. G.O.Ms.No.143, Higher Education (CE) Dept. dt:23-10-2009.
5. From the CCE, T.S, Hyd, Lr.Rc.No.801/Admn.I/2003, dt.7-9-2015.

6. Govt. Memo No.11971/CE/A2/2008, dt.18.02.2017, 22.04.2017 &18.07.2017.
7. From the CCE, T.S,Hyd, Lr. Rc.No. 801/Admn.I/2013, dt.4-4-2017.
8. From the CCE, T.S, Hyd, Lr. Rc.No.801/Admn.I/2013, dt.23-5-2017,21-08-2017, 12-10-2017 & 16-12-2017.

ORDER:

In the reference 1st read above, the Government has admitted 10 Degree Colleges including Surya Laxmi Degree College (Aided), Narayanpet, Mahabubnagar District into Grant-in-Aid.

2. In the reference 2nd read above, the Government have directed that the Surya Laxmi Degree College (Aided), Narayanpet, Mahabubnagar District be taken over and transferred to the Government under Sub-section (1) of Section 60 of the Telangana State Education Act, 1982, from the Financial Year i.e, 01-04-2004, subject to certain conditions.

3. In the reference 3rd read above, the Government has directed all the categories of employees who are regularly recruited in the Aided Degree Colleges and who are on duty as on 01-01-1986 be exempted from passing the National Eligibility Test/State Eligibility Test and they may be allowed University Grants Commission Pay Scales.

4. In the reference 4th read above, the Government have decided to take over only aided sections and aided staff and to re-name the College as Sri Chittam Narsi Reddy Memorial Government Degree College, Narayanpet, Mahabubnagar District. Accordingly, Government has directed that the orders issued in the G.O. 2nd read above shall be implemented in toto.

5. In the circumstances stated by the Commissioner of Collegiate Education, Telangana State, Hyderabad in the references 5th, 7th and 8th read above and after careful examination of the matter, the Government hereby fix the Cadre Strength as 12 Teaching posts and 16 Non-teaching posts (as per G.O. 1st read above and the rules in force now) as mentioned in the Annexure-I appended to this Order, for the Sri Chittam Narsi Reddy Memorial Government Degree College, Narayanpet, Mahabubnagar District, which was admitted into Grant-in-Aid by the Govt., vide G.O. 1st read above.

6. The Government also accord permission to the Commissioner of Collegiate Education, T.S., Hyderabad, to absorb the services of Five Teaching Staff and Thirteen Non-Teaching Staff as listed out in Annexure-II, as appended to this Order (who are now working in this College) in the vacant, sanctioned posts, from the date of this Order, since these persons were already admitted into Grant-in-Aid. Their absorption is ordered after due verification that there are no disciplinary/ criminal/civil cases pending against them and their local status is that of Telangana and based on their Undertakings that they will take last Rank in the relevant cadre, within the Collegiate Education Services.

7. Accordingly, the salaries of all these persons listed in Annexure-II shall be paid from '010' Budget Provision on par with the similar staff of the Govt. Degree Colleges.

8. This order shall not be treated as precedent in future.

9. The Commissioner of Collegiate Education, Telangana State, Hyderabad, shall take necessary action in the matter accordingly.

10. This Order issues with the concurrence of the Finance (HRM-II) Department vide their U.O.No.4654/68/A1/HRM.II/2014, dt.01-11-2014 read with U.O.No.14824/372/A1/HRM-II/2015, dt. 18-11-2015.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF
TELANGANA STATE)

RANJEEV R. ACHARYA
SPECIAL CHIEF SECRETARY TO
GOVERNMENT

18. Pursuant to the above said G.O., respondent No.6 College taken over by the Government and the same was changed in the name of "Sri Chittam Narsi Reddy Memorial Government Degree College, Narayanpet, Mahabubnagar District." As per the documents

filed by the respondent No.6 along with the reply affidavit *vide* page Nos.162 to 175, it reveals that salaries of the employees are being paid by the Government and the said College is also running by the Government itself. It is relevant to mention here that respondent Nos.1, 2 and 4 in their counter affidavit stated that out of Ac.14-29 guntas, physical possession of the land to an extent of Ac.8-13 guntas in Sy.No.461 of Pallabuzrug Village of Narayanpet Mandal, Mahabubnagar District has been handed over by Sri C.Rammohan Reddy, Correspondent of respondent No.6-Surya Laxmi Degree College to the Principal, Sri Chittem Narsi Reddy Government Degree College, Narayanpet and taken possession under cover of panchanama dated 19.07.2018. Respondent No.1 specifically stated in para-7 of the counter that possession of the land was handed over from Sri RamMohan Reddy, Correspondent, Surya Laxmi Degree College, Narayanpet to Principal Sri Chittem Narsi Reddy Memorial Govt. Degree College on 19.07.2018 and the Tahsildar, Narayanpet *vide* his proceedings No.ROR B/2329/2020, dated 18.09.2021 has carried out the changes in the revenue records i.e., re-naming the land instead of Surya Laxmi Degree College, Narayanpet to Sri Chittem Narsi Reddy Memorial Government Degree College, Narayanpet and also filed copy of the letter issued by the Tahsildar, Narayanpet to the District Collector, Narayanpet *vide* letter No.B/2329/2020 dated 29.11.2021, wherein it is stated that he

submitted proposals in proforma-I for changing the nomenclature of the said Degree College in the Dharani Portal as requested by the Principal of Sri Chittam Narsi Reddy memorial Govt. Degree College, Narayanpet and to issue orders or directions in the matter. Respondent No.1 further stated that the District Collector, Narayanpet through letter No.D/303/2024, dated Nil.03.2024 requested the Chief Commissioner of Land Administration, Telangana State, Hyderabad to incorporate the title in respect of the land in Sy.No.461/AA/A/1/1 to an extent of Ac.8-13 guntas in the name of Sri Chittam Narsi Reddy Memorial Government Degree College, Narayanpet in Dharani records and the said issue is pending before the Chief Commissioner of Land Administration, Hyderabad.

19. It is pertinent to mention here that according to the averments and documents filed by respondent Nos.1 and 4, it reveals that the Government has taken possession of the land to an extent of Ac.8-13 guntas in Sy.No.461 (sub-division No.461/AA/A/1/1 (old Sy.No.461) from Surya Laxmi Degree College, Narayanpet to Sri Chittam Narsi Reddy Memorial Government Degree College, Narayanpet under the cover of panchanama dated 19.07.2018 and the name of Sri Chittam Narsi Reddy Memorial Government Degree College, Narayanpet was recorded in the revenue records except in Dharani records and the same is pending before the Chief Commissioner of Land Administration, Hyderabad.

20. It is an undisputed fact that Ac.14-29 guntas was purchased through registered sale deed bearing document No.820 of 1970, dated 12.10.1970 by Vidhya Vardhak Samithi, Government Junior College, Narayanpet. Whether the subject property belongs to respondent No.5, Government or whether respondent No.6 is entitled to claim rights over the property from Vidhya Vardhak Samithi as well as the compromise decree dated 12.12.1996 passed in O.S. No.95 of 1987 and whether respondent Nos.6 and 9 or other defendants in the said suit are entitled to claim right and title over the property, are disputed question of facts and same cannot be adjudicated in the writ petition under Article 226 of the Constitution of India.

21. Admittedly, out of Ac.14-29 guntas, the Government authorities have already taken possession in respect of Ac.8-13 guntas under the cover of panchanama dated 19.07.2018. Respondent Nos.4 and 5 have categorically pleaded in their counter affidavit that the above said property is in their custody. Hence, the contention of learned counsel for the petitioners that the official respondents have not taken physical possession of the subject property, is not tenable under law.

22. In **Shalini Shyam Shetty v. Rajendra Shankar Patil**¹, the Hon'ble Supreme Court held that a proceeding under Article 226 of the Constitution of India is not an appropriate remedy for adjudication of property disputes or disputes relating to title. It was further held in para Nos.59 to 61, which read as follows:

"59. It has repeatedly been held by this Court that a proceeding under Article 226 of the Constitution is not the appropriate forum for adjudication of property disputes or disputes relating to title. In **Mohd. Hanif v. State of Assam** [(1969) 2 SCC 782] a three-Judge Bench of this Court, explaining the general principles governing writ jurisdiction under Article 226, held that this jurisdiction is extraordinary in nature and is not meant for declaring the private rights of the parties. (See SCC p. 786, para 5 of the Report.) In coming to the aforesaid conclusion in **Hanif** [(1969) 2 SCC 782], this Court referred to the Constitution Bench decision in **T.C. Basappa v. T. Nagappa** [AIR 1954 SC 440].

60. Following the aforesaid principles in **Hanif** [(1969) 2 SCC 782], this Court in **Hindustan Steel Ltd. v. Kalyani Banerjee** [(1973) 1 SCC 273] held that serious questions about title and possession of land cannot be dealt with by writ court. In formulating these principles in **Kalyani Banerjee** [(1973) 1 SCC 273], this Court relied on the Constitution Bench decision in **Sohan Lal** [AIR 1957 SC 529] (see SCC p. 282, para 16 of the Report).

61. Again, in **State of Rajasthan v. Bhawani Singh** [1993 Supp (1) SCC 306] this Court held that a writ petition is not the appropriate forum to declare a person's title to property. (See SCC p. 309, para 7 of the Report.)"

¹ (2010) 8 SCC 329

23. In this public interest litigation, the disputed questions of fact have been raised, i.e., adjudication of the rights and title of the parties over the subject property, which cannot be adjudicated in a proceeding under Article 226 of the Constitution of India. However, liberty is reserved to the parties to approach the competent Civil Court seeking appropriate relief by way of a civil suit.

24. With the aforesaid liberty, the writ petition is disposed of. No costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

**SD/- L. LAKSHMI BABU
ASSISTANT REGISTRAR**

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SECTION OFFICER

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(For His Lordship's Kind Perusal)**

AND

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(For His Lordship's Kind Perusal)**

To,

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2. The Regional Director, Department of Higher Education, Warangal District Warangal (T.S)
3. The Regional joint director, Dept, of Higher Education , Warangal District (T.S)
4. The Collector, Mahabubnagar District, Mahabubnagar (T.S)
5. The Principal, Govt., Junior College, Narayanpet Proper and Mandal, District Mahabubnagar.
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HIGH COURT

DATED:24/10/2024

ORDER

WP(PIL).No.339 of 2017



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