

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

**TUESDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION NOs: 18459 and 19204 of 2010

WRIT PETITION NO: 18459 OF 2010

Between:

E. Narender Kumar, S/o Late E.N. Shetty, aged about 47 years, Occ:
Business, R/o Road No.14, Door No.435, Baghyanagar Studio Compound,
Banjara Hills, Hyderabad

...PETITIONER

AND

1. The State Of Telangana Represented by its Principal Secretary, Revenue Department, Dr. B.R. Ambedkar Telangana State Secretariate, Khairtabad, Hyderabad, Telangana State.
2. The Chief Commissioner of Land Administration, Hyderabad
3. The District Collector, Hyderabad District.

CT of R1 is amended as per C.O. dt. 17.12.2024 in IA.No.1/2023

...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 i) issue a writ order or direction more particularly one in the nature of a writ of Certiorari calling for the entire record of the Respondents in connection with the recommendations pertaining the application made by the petitioner and quash the Letter No. 12/14208/2008 dt. 27-5-2010 issued by the Third Respondent as being arbitrary capricious, unreasonable harsh besides being illegal and consequently set aside the same;

ii) direct the third respondent to implement the recommendations of the state Level Regularization Committee in toto and execute a conveyance deed in favour

of the applicant in accordance with the conditions mentioned in G.O.Ms.No.166 dt. 16-2-2008.

Counsel for the Petitioner: SRI L.VENKATESHWAR RAO

Counsel for the Respondents: AGP FOR ASSIGNMENT

WRIT PETITION NO: 19204 OF 2010

Between:

Smt. C.P.B.Lakshmi, W/o. C.B.Prasad, aged about 51 years, Occ: Housewife, R/o. Road No.14, Door No.435, In Baghyanager Studio Compound, Banjara Hills, Hyderabad.

...PETITIONER

AND

1. The Government of Andhra Pradesh, rep. by the Secretary, Revenue Department, Secretariat, Hyderabad
2. The Chief Commissioner of Land Administration, Hyderabad
3. The District Collector, Hyderabad District, 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 i) issue a writ order or direction more particularly one in the nature of writ of Certiorari calling for the entire record of the respondents in connection with the recommendations pertaining the application made by the petitioner and quash and set aside the Letter No.12/14208/2008 dated 27.5.2010 issued by the third respondent as being arbitrary, capricious unreasonable harsh besides being illegal, and consequently set aside the same,

ii. Direct the First respondent Government to consider the recommendations of the State Level Regularization Committee without prejudice sought to be created by the third respondent and accordance with the conditions mentioned in G.O.ms.No.166 dated 16.2.2008.

I.A. NO: 2 OF 2010(WPMP. NO: 24324 OF 2010)

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 stay the recommendation Letter No.12/14208/2008 dated 27.5.2010 addressed by the third respondent to the second respondent rejecting the application made by the petitioner herein seeking regularization of his land under G.O.Ms.No.166 dated 16.2.2008 and all proceedings pursuant thereto.

IA NO: 1 OF 2023

Petition under order 6 rule 17 r/w 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 permit the Petitioner herein to amend the cause title of Respondent No.1 as: "THE STATE OF TELANGANA Represented by its Principal Secretary, Revenue Department, Dr. B. R. Ambedkar Telangana State Secretariate, Khairtabad, Hyderabad, Telangana State INSTEAD OF The Government of Andhra Pradesh Represented by the Secretary, Revenue Department, Secretariat, Hyderabad.

Counsel for the Petitioner: SRI L.VENKATESHWAR RAO

Counsel for the Respondents: AGP FOR ASSIGNMENT

The Court made the following: COMMON ORDER

THE HON'BLE SRI JUSTICE K.SARATH

WRIT PETITION Nos.18459 and 19204 of 2010

COMMON ORDER:

The issue involved in both the Writ Petitions is one and the same, therefore, both the petitions are taken up for hearing together and being disposed of by way of this common order.

2. Heard both sides and perused the entire material on record.

3. When the matter is taken up for hearing the learned counsel for the petitioners would submits that the *lis* in both the writ petition is squarely covered by orders passed by the Division Bench of this Court in W.P.No.19203 of 2010 and batch, dated 22.08.2024, therefore, requested to pass similar orders in these matters also.

4. Learned Assistant Government Pleader for Assignment appearing for the respondents have not disputed the

submission made by the learned counsel for the petitioners in both the writ petitions.

5. Having regard to the facts and circumstances of the case, the orders passed by the Division Bench of this Court in the writ petitions referred to above and for the reasons alike, both the writ petitions are disposed of in terms of orders passed in W.P.No.19203 of 2010 and batch, dated 22.08.2024.
6. Taking into consideration the facts and circumstances of these cases, without expressing any opinion on merits of these cases, respondent Nos.1 and 2 are directed to consider the claim of the petitioners for regularization of the subject property in terms of G.O.Ms.No.166 dated 16.02.2008 and pass appropriate orders, in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order, after giving notice and opportunity to the petitioners including personal hearing.

7. With the above directions, the writ petitions are disposed of accordingly. No order as to costs.
8. The Registry is directed to annex copy of Order dated 22.08.2024 passed in W.P.No.19203 of 2010 and batch.
9. As a sequel thereto, miscellaneous applications, if any pending, in these writ petitions shall stand closed.

SD/-V. KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

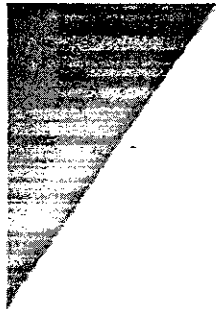
To,

1. The Secretary, Revenue Department, Secretariat, Hyderabad, State of Telangana.
2. The Chief Commissioner of Land Administration, Hyderabad
3. The District Collector, Hyderabad District.
4. One CC to SRI L.VENKATESHWAR RAO, Advocate [OPUC]
5. Two CCs to GP FOR ASSIGNMENT, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CD Copies

(Along with the copy of order dated 22.08.2024, in W.P.No.19203 of 2010 & batch)

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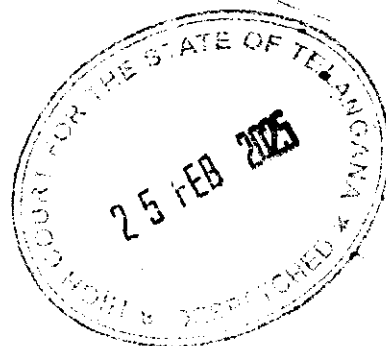


HIGH COURT

DATED: 17/12/2024

COMMON ORDER

WP.Nos.18459 and 19204 of 2010



**DISPOSING OF BOTH THE WRIT PETITIONS,
WITHOUT COSTS**

⑨
13/02/25
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THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION Nos.19203, 19207, 19208, 19211 and
19366 of 2010

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

These writ petitions are filed for the following relief:

"...to issue a writ, order or direction more particularly one in the nature of writ of Certiorari calling for the entire record of the respondents in connection with the recommendations pertaining the application made by the petitioner and quash and set aside the Letter No.12/14208/2008, dated 27.05.2010 issued by the third respondent as being arbitrary, capricious, unreasonable, harsh besides being illegal and consequently set aside the same ii) Direct the First respondent Government to consider the recommendations of the State Level Regularization Committee without prejudice sought to be created by the third respondent and accordance with the conditions mentioned in G.O.Ms.No.166 dated 16.02.2008."

2. Heard Sri L. Venkateshwar Rao, learned counsel for the petitioners and Sri D.V.Chalapathi Rao, learned Government Pleader for Revenue (Assignment) appearing on behalf of respondent Nos.1 to 3 in all the writ petitions.

Brief facts of the case:

3. The claim of the petitioners in the above writ petitions is that they are the owners and possessors of plots admeasuring 950 square yards bearing plot No.3,

1380 square yards bearing plot No.9, 1380 square yards bearing plot No.4, 950 square yards bearing plot No.7 and 1380 square yards bearing plot No.8 respectively, situated at Survey No.129/56, Road No.14, Banjara Hills, Hyderabad falling under Shaikpet Mandal and the same were inherited from their father late B.Rangaswamy, under a Memorandum of Oral Partition and Family Settlement. Originally petitioners' father had purchased land to an extent of Acs.2.10 guntas in the year 1964 through registered sale deed document No.1640 of 1964 and since then they have been in possession and enjoyment of the said property.

3.1 When respondent Nos.1 and 3 have tried to evict their father alleging that the above land belonged to Government, their father and Bhagyanagar Studios together have filed a suit in O.S.No.609 of 1981 on the file of V Senior Civil Judge, City Civil Court, Hyderabad against respondent Nos.1 and 3 seeking declaration declaring them as absolute owners and possessors of suit schedule property and the said suit was dismissed by its judgment and decree dated 24.09.1982.

3.2 Aggrieved by the same, the petitioners' father filed appeal in C.C.C.A. No.44 of 1983 before erstwhile High Court of Andhra Pradesh, Hyderabad and the same was allowed and the matter was remitted back to lower Court by its order dated 26.06.1995. Thereafter, the learned V Senior Civil Judge, Hyderabad dismissed the suit by its judgment and decree dated 10.11.1998. Aggrieved by the same, they have filed appeal in C.C.C.A. No.22 of 1999 before this Court and the same was allowed by its judgment and decree dated 01.04.2021. Aggrieved by the same, respondent Nos.1 and 3 have filed Civil Appeal before the Hon'ble Apex Court and the same was allowed by setting aside the judgment and decree dated 01.04.2021 of this Court and confirmed the Judgment and decree dated 10.11.1998 of the trial Court.

3.3. During the pendency of the above said appeal, C.C.C.A. No.22 of 1999 respondent No.1 had issued G.O.Ms.No.166, Revenue (Assignment POT) Department dated 16.02.2008 for regularization of assigned Government lands which are in occupation/encroachment on payment basis. Pursuant to the said G.O., petitioners

have submitted applications seeking regularization and basing on the same, respondent No.2 had recommended the claim of the petitioners through minutes of meeting of the State Level Committee held on 19.04.2010. When the said proceedings are pending before respondent No.1, respondent No.3 through letter No.12/14208/2008, dated 27.05.2010, submitted report to respondent No.2. stating that the petitioners are not entitled to seek regularization in respect of the subject property. Questioning the above said report the petitioners filed the present writ petitions.

4. Learned counsel for the petitioners contended that the petitioners are entitled for grant of regularization in terms of G.O.Ms.No.166, dated 16.02.2008 and the claim of the petitioners was recommended by respondent No.2 through minutes of meeting dated 19.04.2010 and when the issue is pending before respondent No.1, respondent No.3 submitted the alleged report dated 27.05.2010. behind back of the petitioners even without giving any notice and opportunity to the petitioners and the same is gross violation of principles of natural justice and contrary to law.

5. *Per contra*, learned Government Pleader for Revenue (Assignment) submits that the petitioners have filed comprehensive suit seeking declaration of title and perpetual injunction and the said suit was dismissed on 24.09.1982. Aggrieved by the same, the petitioners filed appeal in C.C.C.A. No.44 of 1983 wherein the matter was remitted back to lower Court on 26.06.1995. Thereafter, the said suit was again dismissed on 10.11.1998 which was challenged in C.C.C.A. No.22 of 1999 before this Court and the same was allowed on 01.04.2021. Aggrieved by the same, respondent No.1 has approached the Hon'ble Apex Court by way of Civil Appeal No.4669 of 2022 and the same was allowed by setting aside the judgment and decree dated 01.04.2021 and confirming the judgment and decree dated 10.11.1998 passed by the trial Court and the same has become final. Hence, the petitioners are not entitled to seek regularization in terms of G.O.Ms.No.166 dated 16.02.2008 and they are not entitled any relief much less the relief sought in the writ petitions.

6. Learned counsel for the petitioners by way of reply submits that in spite of dismissal of the suit which was confirmed by the Hon'ble Apex Court, the petitioners are

entitled for grant of regularization of the subject property, pursuant to the G.O.Ms.No.166 dated 16.02.2008, by paying requisite amounts.

7. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that petitioners have filed the present writ petitions questioning the report submitted by respondent No.3 dated 27.05.2010 before respondent No.2 which is internal correspondence between respondent Nos.3 and 2. As on today, respondent Nos.1 and 2 have not taken any decision and passed any order about the regularization of the subject property in favour of the petitioners, in terms of G.O.Ms.No.166 dated 16.02.2008 and the applications of the petitioners are still pending consideration. The above said aspects were not disputed by the learned Government Pleader for Revenue (Assignment).

8. Taking into consideration the facts and circumstances of the case, without expressing any opinion on merits of the case, respondent Nos.1 and 2 are directed to consider the claim of the petitioners for

regularization of the subject property in terms of G.O.Ms.No.166 dated 16.02.2008 and pass appropriate orders, in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order, after giving notice and opportunity to the petitioners including personal hearing.

9. With the above directions, the writ petitions are disposed of accordingly. No costs.

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

ALOK ARADHE, CJ

J. SREENIVAS RAO, J

22nd August, 2024
PSW