

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

**FRIDAY, THE TWENTY FIRST DAY OF MARCH  
TWO THOUSAND AND TWENTY FIVE**

**PRESENT**

**THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL  
AND  
THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR**

**WRIT PETITION NO: 19033 OF 2023**

**Between:**

1. Smt.Mallika Begum, (Died per LR)Wife of late Mr.Mohd.Mohiuddin, Aged about 87 years, Occupation . Housewife, Resident of H.No.23-1-226, Alijah Kotla, Mogalpura, Charminar, Hyderabad -500 002.
2. Nawab Mohammed Waheeduddin, S/o: Late Mohammed Mohiuddin, aged about 67 Years, Occ: Business, R/o H.No.11-5-152/D, Red Hills, Khairtabad, Hyderabad - 500 004.
3. Smt. Shaila Begum, W/o: Late Mohd Fareeduddin, aged about 62 Years, Occ: Household R/o H.No.12-2-338/3, Muradnagar, Asif Nagar, Hyderabad 500028.
4. Nawab Mohammed Naseeruddin, S/o: Late Mohd Fareeduddin aged about 40 Years, Occ: Business, R/o 8-1-402,/871, Gulshan Colony, Tolichowki, Golconda Hyderabad- 500008.
5. Janaba Nuzhathjehan, D/o: Late Nawab Mohd Fareeduddin, aged about 36 Years, Occ: Household, R/o H.No.12-2-338/3, Muradnagar, Asif Nagar, Hyderabad - 500028.
6. Nawab Mohammed Najamuddin, S/o: Late Mohd Fareeduddin , aged about 33 Years, Occ: Business, R/o H.No.8-1-40/A/127, Samatha Colony , Shaikpet , Hyderabad - 500008.
7. Janaba Sayeed Unnisa Begum, D/o Late Malika Jehan Begum, aged about 64 Years, Occ Household, R/o H.No.20-4-973/10A, Shah Gunj Chowk, Charminar, Hyderabad-500002.

( Petitioner Nos. 2 to 7 are brought on record as Lrs. Of deceased Petitioner No.1 as per Court Order dated 22.03.2024, Vide IA No.1 of 2024 in WP.No.19033 of 2023 )

**...PETITIONERS**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad- 500 063.
2. The District Collector, Integrated District Office Complex, Anthaipally, Medchal Malkajiri District, Pin Code . 5000 078.

3. The District Registrar and Stamps, Opp . Medchal Road, Near RELIANCE SMART POINT, NGOs Colony, Medchal, Hyderabad 501 401.
4. The Sub-Registrar, Kukatpally S.R.O., Moosapet, Hyderabad -500 018.
5. The Revenue Divisional Officer, Malkajgiri Division, Medchal Malkajgiri District Pin Code . 500 094.
6. The Tahsildar, Kukatpally Mandal, Kukatpally, Hyderabad - 500 072.

#### ...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 writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Second Respondent-District Collector in not considering the petitioner application dated 21/06/2023 for setting aside the Gazettee Notification under File No.E5/4731/2013/Balanagar/Hydernagar dated 26/9/2013 by deleting the land to an extent of Ac.274.33 Gts in Survey No.57 of Shamshiguda Village, Kukatpally Mandal, Medchal Malkajgiri District from the List of Prohibited Properties by implementing the orders of the Hon'ble Supreme Court dated 01/08/2022 in S.L.P. (Civil) Diary No.2760 of 2022 and dated 23/08/2022 in Civil Appeal No.5784 of 2022 or S.L.P.(Civil) No. 7015 of 2022 is illegal, contrary to law, arbitrary, violative of principles of natural justice and violative of Article 14 and 300- of Constitution of India and consequently direct the Respondent authorities to permit the purchasers under Final Decree Proceedings in C.S.No.7 of 1958 for registration by recording their names in Dharani.

#### **IA NO: 1 OF 2023**

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 Gazettee Notification under File No.E5/4731/2013/Balanagar/Hydernagar dated 26/9/2013 by deleting the Oland to an extent of Ac 274.33 Gts in Survey No.57 of Shamshiguda Village, Kukatpally Mandal, Medchal Malkajgiri District from the List of Prohibited Properties by permitting the purchasers under Final Decree Proceedings in C.S.No.7 of 1958 for registration pending disposal of the above Writ Petition.

**Counsel for the Petitioners: SRI B.V. RAJU, REPRESENTING  
M/S. S. SUDEEPTHI**

**Counsel for the Respondents: ADDL ADVOCATE GENERAL**

**The Court made the following: ORDER**

**THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL  
AND  
THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR**

**W.P. No.19033 of 2023**

**ORDER:** *(Per the Hon'ble Sri Justice N.V. Shraavan Kumar)*

Learned counsel Mr. B.V. Raju, representing the learned counsel S.Sudeepthi appearing for the petitioners on record.

Learned Additional Advocate General for the respondents.

This writ petition has been filed seeking a writ of mandamus to declare the action of the respondent No.2, District Collector, in not considering the petitioner's application dated 21.06.2023 for setting aside the Gazette Notification under File No.E5/4731/2013/Balanagar/Hydernagar, dated 26.09.2013 by deleting the land to an extent of Acs.274.33 guntas in Sy.No.57 of Shamshiguda village, Kukatpally Mandal, Medchal Malkajgiri District from the list of prohibited properties by implementing the orders of the Hon'ble Supreme Court dated 01.08.2022 in SLP (Civil) Diary No.2760 of 2022 and dated 23.08.2022 in Civil Appeal No.5784 of 2022 @ SLP (Civil) No.7015 of 2022 as illegal and arbitrary and consequently to direct the respondent authorities to permit the purchasers under final decree proceedings in C.S. No.7 of 1958 for registration by recording their names in Daarani.

2. Brief facts of the case are that the petitioner's father Sri Nawab Moin-ud-Dowla claims to be the absolute owner and possessor of several lands, including the purchased Patta Land to an extent of Ac.274.33 guntas in Survey No.57 (old survey No.274), situated at Shamshiguda Village, Kukatpally Mandal, Medchal Malkajgiri District, his title and possession is confirmed vide Original Sethwar and Khasra Pahani for the year 1954-55. When there was a boundary dispute arose between two Villages of Shamshiguda and Kukatpally, The Duwwam Taluq , Western Taluq, Hyderabad District settled the said dispute vide Proceedings under File No.GI/216/55, dated 02.11.1956. In the said Proceedings, the table of old survey numbers and new survey numbers with area pertaining to the Shamshiguda Village in respect of Survey No.57, old Survey number is 274. As per the succession proceedings passed by the Nizam Atiyat under File No.A/46 No.162, dated 24.11.1859, declared the petitioner and 20 others as legal heirs of the deceased Sri Nawab Moin-ud-Dowla Bahadur. The said legal heirs filed suit for partition case No.130 of 1953 which was later transferred to this Court due to the higher valuation, which was accordingly renumbered as Civil Suit No.7 of 1958 (C.S.No.7/1958) in respect of the several lands in and around Hyderabad including the land to an extent of Acs.274.33 gts., in Sy.No.57 (old Sy.No.274), situated at Shamshiguda village, Kukatpally Mandal, Medchal Malkajgiri District and this Court by order dated 06.04.1959 passed the preliminary decree in C.S. No.7 of 1958.

The lands in Shamshiguda village pertains to Item No.252 in the Schedule 'A' appended to the preliminary decree.

3. It is further submitted that the respondent No.2, District Collector, notified the said land under Section 22-A(1)(a) of the Registration Act, 1908 for prohibition by Notification bearing File No.E5/4731/2013/Balanagar/ Hyderguda, dated 26.09.2013 and the same was published in the Ranga Reddy District Gazettee, which is impugned notification. This Court by order dated 19.09.2013 in Application No.837 of 2013 in C.S No.7 of 1958 passed Final Decree in favour of one M/s. Anish Construction Company and My Palace Mutually Aided Co-operative Society, who are alleged to be purchasers from the Decree Holders/legal heirs of the said deceased Sri Nawab Moin-Ud-Dowla Bahadur in respect of the land to an extent of Acs.92.56 Cents out of Ac.274.33 guntas in Survey No.57 of Shamshiguda Village. Thereafter, the State of Telangana with an abnormal delay, questioned the above said Final Decree dated 19.09.2013 before this Court by filing a Petition in I.A No.2 of 2016 and I.A No.2 of 2017 in OSR (SR) No.3744 of 2014 and a Division Bench of this Court dismissed the same by an order dated 22.12.2020 and the same has become final. Thereafter, one Mr. B.Mahesh and others with a different claim filed I.A No.5 of 2020 to recall the order dated 19.09.2013 in Application No.837 of 2013 in C.S.No.7 of 1958 and a Division Bench of this Court allowed the said application by an order dated 21.09.2021. Aggrieved by the same, the State of

Telangana and others questioned the above order dated 21.09.2021 by filing SLP (Civil) Diary No.2760 of 2022 before the Hon'ble Supreme Court and the same was dismissed by order dated 01.08.2022.

4. It is further submitted that the purchasers from the Decree Holders in C.S.No.7 of 1958 under Final Decree M/s. Anish Constructions Company and My Palace Mutually Aided Cooperative Society also preferred the Civil Appeal No.5784 of 2022 @ S.L.P.(Civil) No.7015 of 2022 before the Hon'ble Supreme Court against the order of this Court dated 21.09.2021 in I.A.No.5 of 2020 in Application No.837 of 2013 in C.S No.7 of 1958 and the same was allowed by orders dated 23.08.2022 by setting aside the orders of the High Court dated 21.09.2021. Thereafter, purchasers from the Decree Holders in C.S.No.7 of 1958 under Final Decree M/s. Anish Constructions Company and My Palace Mutually Aided Co-operative Housing Society submitted an Application dated 05.09.2022 before the Second Respondent-District Collector with a request for de-notification of the land admeasuring Acs.92.56 cents out of Acs.274.33 cents, situated in Survey No.57 of Shamsiguda village from the Prohibited Properties and also for making necessary corrections in Revenue Records. Thereafter, the respondent authorities considered the claim of the M/s Anish Constructions Company and My Palace Mutually Aided Co-operative Housing Society for land admeasuring Acs.92.56 cents out of Acs.274.33 cents, situated in Sy.No.57 of Shamshiguda village by recording their names in the Dharani and the respondent No.6,

Tahsildar, permitted for execution of documents i.e. Development Agreement cum GPA bearing Document No.2/2023.

5. Thereafter, the respondent No.2, District Collector, under Endorsement dated 01.03.2023 by considering the extent of Ac.92.33 cents of M/s Anish Constructions Company and My Palace Mutually Aided Co-operative Housing Society recorded their names in Dharani and permitted for execution of registration and recorded the remaining extent of Ac.182.11 guntas out of total extent of Ac.274.33 in Dharani in the name of Government. It is contended that such proceedings are contrary to law and violation of Hon'ble Supreme Court repeated orders dated 01.08.2022 and 23.08.2022.

6. Further, the petitioner submitted an application dated 21.06.2023 before the respondent No.2, District Collector, for implementing the orders of the Hon'ble Supreme Court dated 01.08.2022 in S.L.P. (Civil) Diary No.2760 of 2022 and order dated 23.08.2022 in Civil Appeal No.5784 of 2022 @ S.L.P.(Civil) No.7015 of 2022 forthwith and to set aside the Gazettee Notification under File No.E5/4731/2013/Balanagar/Hydernagar dated 26.9.2013 by deleting the land to an extent of Ac.274.33 guntas in Survey No.57 of Shamshiguda Village, Kukatpally Mandal, Medchal Malkajgiri District from the List of Prohibited Properties. Thereafter, the respondent No.2, District Collector, has not considered the application dated 21.06.2023, questioning the same, the petitioner filed the present writ petition.



7. The main grievance of the petitioner is that though the petitioner made an application dated 21.06.2023 to the respondent No.2, District Collector, seeking for deletion of subject property from the prohibited list by setting aside the Gazette Notification under File No.E5/4731/2013/Balanagar/Hydernagar, dated 26.09.2013, no action has been taken thereon.

8. It is to be noted that the subject property of this writ petition is to an extent of Acs.274.33 guntas in Survey No.57 of Shamshiguda village, Kukatpally Mandal, Medchal Malkajgiri District, which was one of the scheduled lands in C.S. No.7 of 1958 i.e. to Item No.252 in the Schedule 'A' appended to the preliminary decree dated 06.04.1959.

9. At this juncture, it is significant to note that the Division Bench of this Court vide order dated 09.01.2025 closed the C.S. No.7 of 1958 wherein at para No.36 observed as under:

“36. On a perusal of the paragraph 4(g) of the preliminary decree dated 06.04.1959, it is evident that the defendant Nos.2 to 22 were entitled to the properties mentioned at item Nos.230 to 254 of Schedule 'A' annexed to the preliminary decree, in case the same are restored or released in favour of Asman Jahi Paigah. In the instant case, admittedly, there is no material to indicate that the properties mentioned at serial No.230 to 254 of Schedule 'A' to the preliminary decree have been restored or released in favour of Asman Jahi Paigah. It is pertinent to note that as per para 4(g) of the preliminary

decrees dated 06.04.1959, the Commissioners-cum-Receiver have the power to sell the property by way of public auction and exercise all powers necessary for effecting the division of the sale between the defendants No.2 to 12 and 14 to 22. Accordingly, each son would get 2/33 and each daughter would get 1/33 in the properties of Schedule 'A' except items 230 to 254 of the Schedule and items of properties allotted to the plaintiff. The defendant Nos.2 to 22 will get their share, namely, each son getting 2/35 and each daughter getting 1/35 from the arrears of income future income, compensation or commutation or sale proceeds of the items 230 to 254 of Schedule 'A' detailed under the head of "Makthas" in case of the same are restored or released in favour of Paigah Asman Jahi."

10. In the case on hand, it is to be noted that the subject property under this writ petition is in respect of Sy.No.57 of Shamshiguda Village of Schedule-A of the suit in C.S. No.7 of 1958. The Division Bench of this Court vide order dated 09.01.2025 had closed the C.S. No.7 of 1958 wherein at Para No.40 it was observed that *"As such, the submissions made on behalf of the objectors are unsustainable and in that view of the matter, it can safely be concluded that no lands are available for partition in item Nos.230 to 254 of Schedule 'A' attached to the preliminary decree. In the absence of preliminary decree for item Nos.230 to 254 in Schedule 'A', no final decree could have been passed. Therefore, reports filed earlier are without proper verification, are fictitious and the same are treated as nullity and are hereby rejected."*

11. Since the C.S. No.7 of 1958 was closed with specific observation that no lands are available for partition in Schedule-A and the subject land is in Sy.No.57 of Shamshiguda village of Schedule 'A' of the suit, as such no further adjudication is required in this writ petition. That apart, the petitioner did not reveal that she belongs to which branch of the parties or legal heir in the C.S. No.7 of 1958.

12. At this juncture, it is not out of place to observe that as far as the averment made by the petitioner that the respondent authorities considered the claim of the M/s Anish Constructions Company and My Palace Muturally Aided Co-operative Housing Society for land admeasuring Acs.92.56 cents out of Acs.274.33 cents, situated in Sy.No.57 of Shamshiguda village and recorded their names in the Dharani and the respondent No.6, Tahsildar, permitted for execution of documents i.e. Development Agreement cum GPA bearing Document No.2/2023 is concerned, it is made clear that mere registration of the document does not confer any title on the subject property and this order would not have any bearing on all those matters where title/rights of the parties are pending before the authorities either in revision/appeals for adjudication and in any other case this order also would not preclude the parties in asserting their rights before the competent Court of law.

13. It is also to be noted that this Court has not expressed any opinion on the title or otherwise of the subject property. However, it is left open for the parties to pursue their remedies as available under law.

14. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

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

//TRUE COPY//

**SD/-K.AMMAJI**  
**ASSISTANT REGISTRAR**

**SECTION OFFICER**

To,

1. The Principal Secretary, Revenue Department, Secretariat Buildings, The State of Telangana, Hyderabad- 500 063.
2. The District Collector, Integrated District Office Complex, Anthaipally, Medchal Malkajgiri District, Pin Code . 5000 078.
3. The District Registrar and Stamps, Opp . Medchal Road, Near RELIANCE SMART POINT, NGOs Colony, Medchal, Hyderabad 501 401.
4. The Sub-Registrar, Kukatpally S.R.O., Moosapet, Hyderabad -500 018.
5. The Revenue Divisional Officer, Malkajgiri Division, Medchal Malkajgiri District Pin Code . 500 094.
6. The Tahsildar Kukatpally Mandal, Kukatpally, Hyderabad - 500 072.
7. One CC to Sri S. Sudeepthi, Advocate [OPUC]
8. Two CC to The GP for Additional Advocate, High Court for the State of Telangana, at Hyderabad[OUT]
9. Two CD Copies

TJ  
LS

PA

**HIGH COURT**

**DATED:21/03/2025**

**ORDER**

**WP.No.19033 of 2023**



**DISPOSING OF THE WRIT PETITION**

**WITHOUT COSTS**

PA  
①2 28/3/25