

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

MONDAY, THE TWENTY FIRST 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 APPEAL NO: 355 OF 2023

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated.13-04-2022 in W P No 12798 of 2021 and pass on the file of the High Court.

Between:

1. The State of Telangana, Rep by Principal Secretary, Department of Revenue, Secretariat Building, Hyderabad.
2. The State of Telangana, Rep. by Special Chief Secretary, Revenue U.L.C. Dept., State of Telangana, Secretariat. Hyderabad.
3. The Special Officer and Competent Authority, The District Collector, Urban Land Ceiling Wing, Ranga Reddy District.

...APPELLANTS/RESPONDENTS

AND

1. Mrs. Neelima Lele W/o Duritahara Lele, Age 42 R/o 417 Serenity Mist Dr. Chapel Hill, NC 2751d,USA.
2. Mrs. Arthi Ireddy, W/o Phani Mora, Age 40 R/o 30 post Oak Road, Cary, NC 27519, USA. Represented by their G.P.A. holder Smt. Manjula Ireddy W/o Rajender Ireddy, aged about 61 years, Occ. House Wife R/o H. No. 1-1-329/1, Green Block 501, My Home Rainbow Apartments, Tolichowki, Shaikpetnala, Hyderabad-500008.

...RESPONDENTS/PETITIONERS

3. The Commissioner, Meerpet Municipal Corporation, Hyderabad-500079.

...RESPONDENT/RESPONDENT

IA NO: 2 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 orders passed by the Learned Single Judge, in W.P. No. 12798 of 2021, dated 13.04.2022, pending disposal of Writ Appeal, in the interest of justice.

**Counsel for the Appellant: SRI POTTIGARI SRIDHAR REDDY, SPL. GP /
THE ADVOCATE GENERAL**

Counsel for the Respondent No.1 & 2: DR. J. VIJAYALAXMI

Counsel for the Respondent No.3: SRI CH. JAGANNATH RAO

The Court delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.355 of 2023

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

Mr. Pottigari Sridhar Reddy, learned Special Government Pleader attached to the office of the learned Advocate General for the appellants.

Dr. J. Vijaya Laxmi, learned counsel for respondent Nos.1 and 2.

2. Heard on the question of admission.

3. This intra court appeal has been filed against the order dated 13.04.2022 passed by the learned Single Judge by which W.P.No.12798 of 2021 preferred by respondent Nos.1 and 2 has been allowed and the order passed by the Special Officer Competent Authority under the Urban Land (Ceiling and Regulation) Act, 1976 (for short, "the Act") has been set aside and the appellants have been directed to refund the amount to the aforesaid respondents.

4. Facts giving rise to filing of this appeal briefly stated are that the father of respondent Nos.1 and 2 purchased Plot No.B1 measuring 463 square yards in Sy.Nos.55 and 56 vide registered sale deed dated 06.12.1990 in the approved layout of Raghavendra Nagar Colony, Jillelaguda Gram Pachayat from the legal heirs of original pattadar Smt. Habeebunnisa Begum. Respondent No.2 purchased Plot Nos.B2, B3 and B4 measuring 991.65 square yards in Sy.Nos.55 and 56 vide registered sale deed dated 06.12.1990 in the approved layout of Raghavendra Nagar Colony, Jillelaguda Gram Pachayat from the legal heirs of original pattadar Smt. Habeebunnisa Begum. The father of respondent Nos.1 and 2 gifted Plot No.B1 measuring 463 square yards in favour of respondent No.1 vide gift deed dated 27.02.2007. Similarly, respondent No.2 also gifted part of Plot No.B2 measuring 165 square yards in favour of respondent No.1 vide gift deed dated 27.02.2004.

5. Smt. Habeebunnisa Begum, the original pattadar, has filed a declaration before the competent authority under the Act. In the year 1987, the four sons and two



daughters of Smt. Habeebunnisa Begum also filed separate declarations in respect of the land measuring Acs.49.04 in Sy.Nos.55, 56 and 33 to 36 of Jillelaguda Village. Smt. Habeebunnisa Begum expired on 06.09.1987. A draft statement was issued under Section 8(1) of the Act on 31.08.1987. The final statement under Section 8(4) of the Act was passed on 29.04.1989. Respondent Nos.1 and 2 filed an appeal under Section 33 of the Act and the same was dismissed on 10.09.1997 for want of prosecution.

6. Thereafter, on 03.09.2002 a notification under Section 10(1) of the Act was issued, which was followed by another notification published on 05.12.2006 under Section 10(3) of the Act. Thereafter, a notification under Section 10(5) of the Act was issued on 03.01.2007 and finally proceedings under Section 10(6) of the Act were issued on 06.03.2007. According to the appellants, the possession of the subject land under the panchanama was taken on 12.03.2007.

7. Respondent Nos.1 and 2 filed W.P.No.12798 of 2021 in which challenge was made to the proceedings issued

[Signature]

under Sections 8(4), 10(1), 10(3), 10(5) and 10(6) of the Act on the ground that the same were issued in the name of a dead person, namely, Smt. Habeebunissa Begum. The learned Single Judge by an order dated 13.04.2022 allowed the writ petition. Hence, this appeal.

8. Learned counsel for the appellants has submitted that the learned Single Judge erred in allowing the writ petition and in any case ought to have confined the benefit of quashment of the proceedings under the Act only in favour of respondent Nos.1 and 2.

9. Learned counsel for respondent Nos.1 and 2 has supported the order passed by the learned Single Judge.

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

11. Admittedly, Smt. Habeebunissa Begum died on 06.09.1987. The final statement under Section 8(4) of the Act was passed against a dead person on 29.04.1989 and all subsequent proceedings under Sections 10(1), 10(3), 10(5) and 10(6) of the Act were issued against a dead

person. The learned Single Judge therefore has rightly set aside the proceedings against a dead person. However, it is clarified that the benefit of quashment of proceedings under the Act, in view of the orders passed by the learned Single Judge, shall be confined to respondent Nos.1 and 2 only.

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

13. Accordingly, the appeal is disposed of.

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

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SD/-K. SHYLESHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Commissioner, Meerpet Municipal Corporation, Hyderabad-500079.
2. Two CCs to THE ADVOCATE GENERAL, High Court for the State of Telangana. [OUT]
3. Two CCs to SRI POTTIGARI SRIDHAR REDDY, SPL. GP, High Court for the State of Telangana. [OUT]
4. One CC to DR. J. VIJAYALAXMI, Advocate [OPUC]
5. One CC to SRI CH. JAGANNATH RAO, Advocate [OPUC]
6. Two CD Copies

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HIGH COURT

DATED:21/10/2024

JUDGMENT

WA.No.355 of 2023



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

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25/10/24