

ITEM NO.1+36

COURT NO.3
(HEARING THROUGH VIDEO CONFERENCING)

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No.5212/2020

(Arising out of impugned final judgment and order dated 19-08-2019 in WA No.594/2019 passed by the High Court For The State Of Telangana At Hyderabad)

THE PRINCIPAL SECRETARY, REVENUE DEPARTMENT,
STATE OF TELANGANA & ORS.

Petitioner(s)

VERSUS

M/s. PRATAP JUNGLE RESORTS PRIVATE LIMITED & ORS.

Respondent(s)

(FOR ADMISSION and I.R.; IA No.120349/2020 - FOR CONDONATION OF DELAY IN FILING; and, IA No.120350/2020 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP (C) Diary No.5919/2020

(FOR ADMISSION and I.R.; IA No.100002/2020 - FOR CONDONATION OF DELAY IN FILING; and, IA No.100004/2020 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 07-01-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

Counsel for the Parties:

Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. P. Venkat Reddy, Adv.
M/s. Venkat Palwai Law Associates, AORMr. Mukul Rohatgi, Sr. Adv.
Mr. Arunabh Choudhary, Adv.
Mr. D. Abhinav Rao, AOR
Ms. Sneha Bhogle, Adv.
Mr. Alay Razvi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

ITEM NO.1 - SLP (C) Diary No.5212/2020

Heard Mr. C.S. Vaidyanathan, learned Senior Advocate for the petitioners and Mr. Mukul Rohatgi, learned Senior Advocate for all the respondents.

Delay condoned.

While disposing of Writ Appeal No.594 of 2019, the Division Bench of the High Court observed as under:

"11. Under these circumstances, the issuance of e-pass books in favour of the respondents-writ petitioners would not have any bearing over the pending suit in O.S. No.626 of 2019 on the file of Principal District Judge, Ranga Reddy District. It is further clarified that the issuance of such e-pass books in favour of the respondents-writ petitioners would not amount to conferring or asserting title and lawful possession of the respondents-writ petitioners over the subject property by the Government. The lawful title and possession are left open to be determined by the civil Court."

These observations sum up that the issuance of an e-pass book by itself would not amount to conferring or asserting any title; and that the issues regarding lawful possession and title must be left to be determined by the competent civil court.

What is spelt out in said observations can certainly be put in by way of an express endorsement while issuing e-pass book in favour of the present respondents.

We, therefore, clarify:

- I. the e-pass books to be issued to the respondents in terms of the impugned decision of the High Court shall carry an endorsement to the following effect:

- a. Grant of e-pass books is expressly subject to the final decision in O.S. No.626 of 2019; and
- b. Creation of any third party rights or interest in the property shall also be expressly subject to the final decision in O.S. No.626 of 2019.

II. grant of an e-pass book with the aforesaid endorsement shall be taken to be sufficient compliance of the directions issued by the High Court.

With the aforesaid observations, this Special Leave Petition is disposed of.

Pending applications, if any, also stand disposed of.

ITEM NO.36 - SLP (C) Diary No.5919/2020*

This Special Leave Petition arises from the decision of Single Judge of the High Court. It is accepted that the very same decision is presently under challenge by way of a writ appeal.

Learned counsel for the petitioners, therefore, prays for and is allowed to withdraw this Special Leave Petition.

The Special Leave Petition is dismissed as withdrawn.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(PRADEEP KUMAR)
BRANCH OFFICER