

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 483 OF 2020
ARISING OUT OF SLP (CIVIL) NO. 2186 OF 2020
[CC NO. 12379 OF 2016]

INDU BAI & ORS.APPELLANT(S)

VERSUS

STATE OF TELANGANA & ORS.RESPONDENT(S)

W I T H

CIVIL APPEAL NOS. 477-478 OF 2020
(ARISING OUT OF SLP (CIVIL) NOS. 23613-23614 OF 2016)

CIVIL APPEAL NOS. 486-487 OF 2020
ARISING OUT OF SLP (CIVIL) NOS. 2187-2188 OF 2020
[CC NOS. 15550-15551 OF 2016]

CIVIL APPEAL NOS. 492-493 OF 2020
ARISING OUT OF SLP (CIVIL) NOS. 2189-2190 OF 2020
[CC NOS. 9442-9443 OF 2017]

CIVIL APPEAL NOS. 568 OF 2020
ARISING OUT OF SLP (CIVIL) NOS. 2378 OF 2020
[DIARY NO. 38272 OF 2016]

CIVIL APPEAL NOS. 569-570 OF 2020
ARISING OUT OF SLP (CIVIL) NOS. 2379-2380 OF 2020
[DIARY NO. 38274 OF 2016]

CIVIL APPEAL NOS. 571-572 OF 2020
ARISING OUT OF SLP (CIVIL) NOS. 2381-2382 OF 2020
[DIARY NO. 38275 OF 2016]

CIVIL APPEAL NOS. 573 OF 2020
ARISING OUT OF SLP (CIVIL) NOS. 2383 OF 2020
[DIARY NO. 38276 OF 2016]

CIVIL APPEAL NOS. 479-480 OF 2020

ARISING OUT OF SLP (CIVIL) NOS. 2175-2176 OF 2020
[DIARY NO. 33321 OF 2019]

CIVIL APPEAL NO. 481 OF 2020
ARISING OUT OF SLP (CIVIL) NO. 2177 OF 2020
[DIARY NO. 45315 OF 2019]

J U D G M E N T

HEMANT GUPTA, J.

1. The present appeals are directed against a common order passed by the High Court of Judicature for the States of Telangana and Andhra Pradesh at Hyderabad on 12th February, 2016 whereby the writ petitions filed by the State of Telangana were allowed.
2. Civil Appeal No. 7477 of 2019 (*Ramesh Parsram Malani & Ors. v. The State of Telangana & Ors.*) arising out of the said order stands dismissed by this Court on 22nd October, 2019 wherein it has been held that the Central Government has transferred land to the State Government and that the State can allot land for settlement of displaced persons.
3. The appellants claim themselves to be pre-partition tenants on the land situated in Village Poppalguda, District Ranga Reddy. The grievance of the appellants is that their right to continue in possession has been put in jeopardy when the State issued an auction notice on 25th April, 2016.
4. This Court in its judgment dated 22nd October, 2019 has not examined the claim of the alleged pre-partition tenants. This Court in

Ramesh Parsram Malani's case set aside the finding of the High Court wherein it was held that transfer of land to the State Government takes such transferred land out of compensation pool. The observations of this Court in the following para are in the context of the finding recorded by the High Court, which reads as under:

"31. However, we are unable to agree with the High Court that transfer of land to the State Government takes such transferred land out of compensation pool. The land transferred to the State Government continues to be part of compensation pool but it is required to be disposed of by the Officers of the State who have been conferred the powers of the Managing Officer or of the Settlement Commissioner for the settlement of the displaced persons alone. It is only after the displaced persons are settled, the State Government may utilize the land for other purposes."

5. In Civil Appeals arising out of Special Leave Petition (Civil) Nos. 23613-23614 of 2016, the order of the High Court in Writ Petition Nos. 29274 of 2014 and 29436 of 2014 is subject matter of challenge. Before the High Court, the appellants have challenged the allotment of land to Ramesh Parsram Malani (the appellant in Civil Appeal No. 7477 of 2019) and also claimed Patta being pre-partition tenants. The appellants have claimed, *inter alia*, the following relief:

"...direct the respondents No. 1 to 5 to grant patta rights in respect of the subject lands admeasuring Ac.18.00 Gts in Sy. No. 301, 303, 327, situated at Poppalguda Village, Rajendra Nagar Mandal, Ranga Reddy District, in favour of the petitioners herein."

6. In Civil Appeals arising out of Special Leave Petitions (CC Nos.

15550-15551 of 2016), the appellants have filed miscellaneous application for claiming interim directions not to interfere with the possession and enjoyment of the appellants over the land comprising in Survey No. 331 of Poppalguda Village, Rajendra Nagar Mandal, Ranga Reddy District. Therefore, the challenge in the writ petitions was not to seek establishment of any right of the appellants being pre-partition tenants.

7. In other appeals, the appellants have not invoked the writ jurisdiction or any other competent forum for redressal of their grievances in relation to vesting of land in them.
8. In view of the above, the order dated 12th February, 2016 passed by the High Court in Writ Petition Nos. 29274 of 2014 and 29436 of 2014 is set aside and the matter is remitted to the High Court to decide the writ petitions in accordance with law. All other appellants are at liberty to invoke such other jurisdiction as may be available to them for redressal of their grievances in accordance with law.
9. All the appeals stand disposed of accordingly.

.....J.
(L. NAGESWARA RAO)

.....J.
(HEMANT GUPTA)

**NEW DELHI;
JANUARY 21, 2020.**