

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

**MONDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT APPEAL NO: 1294 OF 2024

Writ Appeal under clause 15 of the Letters Patent Writ Preferred against the Order Dated.04/09/2024, in WP.No. 11883 of 2024, on the file of the High Court.

Between:

1. The Union of India, Rep by its Defence Secretary. Ministry of Defence, South Block, New Delhi - 110 011
2. The Director of DRDL, Research Centre Imarat (RCI) VignyanaKancha Post, Hyderabad - 500 069

**...APPELLANTS/
RESPONDENTS 1 & 2 IN WP**

AND

1. Syed Mohammed Shabbuddin, S/o. Late Syed Mohammed Nayeemuddin, Age.45 years, R/o. PahadiShareef, Maheshwaram Mandal, Ranga Reddy District.
2. The State of Telangana, rep by its Chief Secretary Secretariat Hyderabad
3. The District Collector Ranga Reddy District KongaraKalan Ibrahimpatnam Ranga Reddy District

**...RESPONDENTS
PETITIONERS IN WP**

IA NO: 1 OF 2024

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 operation of the orders dated 04/09/2024, passed in W.P. No. 11883 of 2024, pending disposal of the Writ Appeal.

**Counsel for the Appellants: SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GEN.
OF INDIA**

**Counsel for the Respondent No.1: SRI VEDULA VENKATARAMANA, SENIOR
COUNSEL FOR M/s BHARADWAJ ASSOCIATES**

Counsel for the Respondent No.2: SRI GADDAM VEERA SWAMY, GP FOR GAD

Counsel for the Respondent No.3: M/s. RADHA, AGP FOR LAND ACQUISITION

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1294 of 2024

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

Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India for the appellants.

Mr. Vedula Venkataramana, learned Senior Counsel representing M/s. Bharadwaj Associates, appeared through video conferencing for the respondent No.1.

Mr. Gaddam Veera Swamy, learned Government Pleader for General Administration Department for the respondent No.2.

Ms. Radha, learned Assistant Government Pleader for Land Acquisition for the respondent No.3.

2. Heard on the question of admission.

3. This intra court appeal has been filed against the order dated 04.09.2024 passed by the learned Single Judge in W.P.No.11883 of 2024 by which the appellants and the respondents No.2 and 3 have been directed to initiate and conclude the land acquisition proceedings in respect of the suit schedule land in O.S.No.333 of 1986 on the file of the I Additional Senior Civil Judge, Ranga Reddy District.

4. Facts giving rise to filing of the appeal briefly stated are that the State Government in the year 1972 had leased out Government land measuring Acs.2094.00 in Dakhla No.449 in Survey No.1 of Raviryal Village, Maheshwaram Mandal, Ranga Reddy District, to Defence Research and Development Organisation (DRDO) for a period of 50 years. The Research Centre Imarat (RCI) constructed the infrastructure and a compound wall on the said land sometime in the year 1985.

5. The grandfather of the respondent No.1, vide judgment and decree dated 15.11.1996 passed in O.S.No.333 of 1986, was declared as the owner of the suit schedule property. The State Government did not assail

the aforesaid judgment and decree. Subsequently, the legal heirs of the decree holder filed an Execution Petition, namely E.P.No.103 of 2007, seeking execution of the aforesaid judgment and decree. The Court appointed an Advocate Commissioner to issue notices to the appellants and the respondents No.2 and 3.

6. The RCI Authority opposed the execution petition. The appellants challenged the execution proceedings in C.R.P.No.3685 of 2012 in which an interim order was initially granted. The aforesaid civil revision petition was subsequently dismissed on 08.06.2022. The executing court, vide its order passed in E.A.No.21 of 2023 directed initiation of the land acquisition proceedings and directed payment of compensation to the decree holder within a period of two months.

7. The respondent No.1 thereupon filed a writ petition being aggrieved by the inaction on the part of the appellants and the respondents No.2 and 3 in initiating the land acquisition proceedings in respect of the land measuring Acs.16.19 guntas in Dakhla No.449 in Survey

No.1/1 of Kancha Imarath, Raviryal Village, Maheshwaram Mandal, Ranga Reddy District. The learned Single Judge, by an order dated 04.09.2024, disposed of the writ petition with a direction to the appellants and the respondents No.2 and 3 to initiate and conclude the land acquisition proceedings in respect of the suit schedule land in O.S.No.333 of 1986 on the file of the I Additional Senior Civil Judge, Ranga Reddy District. The learned Single Judge, in addition, has directed the appellants and the respondents No.2 and 3 to pay costs of Rs.1,00,000/- to the respondent No.1 towards damages for depriving the respondent No.1 of the right to enjoy the property for more than 25 years. Hence, this appeal.

8. Learned Deputy Solicitor General of India for the appellants submits that the appellants are ready and willing to initiate the proceedings for acquisition of the land. It is further submitted that the learned Single Judge ought not to have awarded costs of Rs.1,00,000/- in favour of the appellants as the appellants are not at fault.

9. On the other hand, learned Senior Counsel for the respondent No.1 submitted that the respondent No.1 be granted the liberty to make a claim for damages on account of illegal occupation of the land for past more than 25 years.

10. In view of the aforesaid submissions and in the facts of the case, the order dated 04.09.2024 passed by the learned Single Judge insofar as it directs payment of Rs.1,00,000/- by way of costs for illegal occupation of the land belonging to the respondent No.1, is set aside. The appellants, admittedly, are in possession of the land in question. Therefore, we leave it open to the respondent No.1 to make a claim seeking compensation on account of illegal occupation of the property belonging to him in violation of the constitutional right under Article 300A of the Constitution of India in accordance with law.

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

12. Accordingly, the appeal is disposed of.

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

**SD/- I. NAGALAKSHMI
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To

1. The Defence Secretary, Ministry of Defence, South Block, New Delhi - 110 011
2. The Director of DRDL, Research Centre Imarat (RCI) Vignyanakancha Post, Hyderabad - 500 069
3. The District Collector Ranga Reddy District Kongara Kalan Ibrahimpatnam Ranga Reddy District
4. The Chief Secretary Secretariat, Hyderabad, State of Telangana,.
5. One CC to SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GEN. OF INDIA [OPUC]
6. One CC to M/S BHARADWAJ ASSOCIATES, Advocate [OPUC]
7. Two CCs to GP FOR GAD, High Court for the State of Telangana, at Hyderabad. [OUT]
8. Two CCs to GP FOR LAND ACQUISITION, High Court for the State of Telangana, at Hyderabad. [OUT]
9. Two CD Copies

PSK.



HIGH COURT

DATED:18/11/2024

JUDGMENT

WA.No.1294 of 2024



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS.**

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19/11/24
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