

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE TWENTY FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT APPEAL NO: 885 OF 2010

Writ Appeal under clause 15 of the Letters Patent against the order dt. 21-3-2006 in
WP No. 8118 of 1995 on the file of the High Court.

Between:

1. Erupulla Rukkamma, W/o. Late Bala Singari, aged 70 years R/o. Quthullapur,
Ranga Reddy District.
2. Erupulla Yadagiri, Died per LR as Petitioners 15 to 19
3. Erupulla Narsing rao, Died per LR as Petitioners 24 to 27
4. Balaiah alias Babaiah, S/o. Narasimham, aged 72 years, R/o. Quthullapur,
Ranga Reddy District.
5. Rajalingam, S/o. Papaiah, aged 70 years, R/o. Quthullapur, Ranga Reddy
District.
6. Gudi Pochamma, Died per LR as Petitioner No. 28
7. Gudi Kistayya, Died per LR as Petitioners 20 to 23
8. Gudi Ramaiah, Died per LR as Petitioners 10 & 11
9. Gudi Narasimha, Died per LR as Petitioners 12 to 14

- 10.
11. Gudi Balamani, Wife of Late Narsinga Rao Daughter of Gudi Ramaiah, Aged 62 Years, H.No.5-38, Near Govt High School, Harijana Basti, GHMC. Quthullapur Mandal.
12. Dappu Sukamma, Wife of D.Yadagiri Daughter of Gudi Ramaiah, Aged 57 Years, H.No.6-91/1, Near Govt High School, Harijana Basti, GHMC. Quthullapur Mandal.
13. G.Veerawamy, Son of Gudi Narasimha Aged 50 Years, H.No.5-39, Near Govt High School, Harijana Basti, GHMC. Quthullapur Mandal.
14. G.Yadagiri, Son of Gudi Narasimha Aged 46 Years, H.No.5-39, Near Govt High School, Harijana Basti, GHMC. Quthullapur Mandal.
15. Gudi Balram, Son of Gudi Narasimha Aged 38 Years, H.No.5-39, Near Govt High School, Harijana Basti, GHMC. Quthullapur Mandal.
16. Erupulla Sakkubai, Wife of Erupulla Yadagiri Aged about 58 Years,
17. Erupulla Sridhar, Son of Erupulla Yadagiri Aged about 40 Years
18. Erupulla Vijaya Kumar, Son of Erupulla Yadagiri Aged 38 Years, 49-490, Sanjeevaiah Nagar, GHMC, Qutubullapur.
19. S.Sudha Rani (Daughter), Wife of Bala Krishna Daughter of Erupulla Yadagiri Aged 36 Years, 49-490, Sanjeevaiah Nagar, GHMC, Qutubullapur.
20. B.Sunitha (Daughter), Wife of Sanjay Kumar, Daughter of Erupulla Yadagiri Aged 36 Years, 49-490, Sanjeevaiah Nagar, GHMC, Qutubullapur
21. Guddi Veeramani, Wife of Guddi Kistayya Aged 60 Years, H.No. 49-483/1, Sanjeevaiah Nagar, Chintal, GHMC, Qutubullapur.
22. Guddi Veeraswamy, Son of Guddi Kistayya Aged 50 Years, H.No. 49-483/1, Sanjeevaiah Nagar, Chintal, GHMC, Qutubullapur.
23. Guddi Balakumar, Son Guddi Kistayya Aged 41 Years, H.No. 49-483/1, Sanjeevaiah Nagar, Chintal, GHMC, Qutubullapur.
24. Guddi Rammurthy, Son Guddi Kistayya Aged 36 Years, H.No. 49-483/1, Sanjeevaiah Nagar, Chintal, GHMC, Qutubullapur.
25. E.Parvathi (Wife), Wife of Erupulla Narsing Rao Aged 56 Years, H.No.5-30, Near Government High School, Quthullapur, Medchal District.
26. E. Bharat Kumar (Son), Son of Erupulla Narsing Rao Aged 38 Years, H.No.5-30, Near Government High School, Quthullapur, Medchal District.
27. E.Kiran Kumar (Son), Son of Erupulla Narsing Rao Aged 36 Years, H.No.5-30, Near Government High School, Quthullapur, Medchal District.
28. Puli Malathi (Daughter), Wife of Balaiah Daughter of Erupulla Narsing Rao Aged 34 Years, H.No.5-30. Near Government High School, Quthullapur, Medchal District.
29. Guddi Laxman, Son of Late Guddi Ramulu Paternal Grandson of Gudi Pochamma Aged 50 Years, H.No. 4-127/A4, Central Park, Kompally, Dundigal Mandal, Medchal District (Appellant Nos.10 and 11 are brought on record as Lrs of deceased Appellant No.8, Vide IA No.1 of 2021) (Appellant Nos.12 to 14 are brought on record as Lrs. of deceased Appellant No.9, Vide IA No.6 of 2021) (Appellant Nos.15 to 19 are brought on record as Lrs. of deceased Appellant No.2, Vide IA No.9 of 2021) (Appellant Nos. 20 to 23 are brought on record as Lrs. of deceased Appellant No.7, Vide IA No.12 of 2021) (Appellant Nos.24 to 27 are brought on record as Lrs. of deceased Appellant No 3, Vide IA No.13 of 2021) and (Appellant Nos.28 are brought

on record as Lrs. of deceased Appellant No.6, Vide IA No.17 of 2021) as per
Court dated 18.09.2024 in WA No.885 of 2010)

...APPELLANT(S)

AND

1. The State of Telangana, Rep by its Principal Secretary, Commerce and Industries Department, Secretariat, Hyderabad.

(C.T.is amended as per Court Order dated 18.09.2024 Vide IA No. 2 of 2015 WAMP.No. 2453 of 2015 in WA No.885 of 2010)

2. The District Collector, Hyderabad.
3. The District Collector, Ranga Reddy District at Hyderabad.
4. The Special Deputy Collector, And Acquisition in-Charge, Heavy Electrical Projects, Hyderabad.
5. The Indian Drugs and Pharmaceuticals, Rep by its Chairman, Balanagar, Ranga Reddy District.

...RESPONDENTS/RESPONDENTS

I.A. NO: 3 OF 2010(WAMP. NO: 2084 OF 2010)

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 direct the respondent No. 5 not to alienate the aforementioned land, pending disposal of the writ appeal.

Counsel for the Appellant:SRI. D V REDDY(NOT PRESENT)

Counsel for the Respondents: GP 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.885 OF 2010

JUDGMENT: *(per the Hon'ble Sri Justice J. Sreenivas Rao)*

This intra court appeal is filed aggrieved by the orders dated 21.03.2006 in Writ Petition No.8118 of 1995 passed by the learned Single Judge of the erstwhile High Court of Judicature, Andhra Pradesh at Hyderabad.

2. No representation on behalf of either of the parties.

3. **Brief facts of the case:**

3.1 The appellants are claiming that they are the successors of late E.Bala Singari, late G.Pedda Balaiah and late G.Durgaiah and the Government had assigned the land to an extent of Ac.2-00 to each family in Sy.Nos.132/2, 329/1, 330/3, 331/7, 331/9 and 331/10 situated at Quthbullapur Village total extent of Ac.12-00.

3.2 In the year 1962, Military Estate Officer, Andhra Pradesh Circle, Secunderabad, illegally occupied the assigned agriculture land to an extent of Ac.21-15 guntas, out of Ac.63-12 guntas. On 11.01.1962, respondent No.1 issued G.O.Rt.No.12, Industries Department, authorizing respondent No.4 to acquire Ac.263.11 guntas specified in the said G.O. situated at Qutubullapur,

Balanagar and Boinapally Villages. On 11.01.1962, respondent No.1 issued another G.O.Rt.No.13, Industries Department, authorizing respondent No.4 to acquire Ac.72.20 guntas situated at Moosapet and Kukatpalli villages.

3.3 It is further averred that the appellants' families were in possession and enjoyment of Ac.26-07 guntas of land, which was assigned to them under Laoni Rules, 1950. The said land was not required for respondent No.4, however, he took possession of Ac.263.11 guntas of land as per G.O.Rt.No.12, dated 11.01.1962 and Ac.72.20 guntas of land as per G.O.Rt.13, dated 11.01.1962 total Ac.335.31 guntas of land. Respondent No.4, instead of delivering the above said Ac.335.31 guntas of land, delivered 361.38 guntas including Ac.26.07 guntas of land to respondent No.5 illegally. Therefore, the appellants are entitled for possession of their respective land or for compensation. When the appellants have approached the respondent authorities, they failed to deliver the land or to pay compensation under the Land Acquisition Act, 1894 and therefore, the appellants have approached the erstwhile High Court of Judicature, Andhra Pradesh at Hyderabad and filed Writ Petition No.8118 of 1995 questioning the action of the respondents in not delivering possession or not paying the compensation amount to them proportionately. Learned Single Judge dismissed the said writ petition on the ground that the appellants have approached the

Court after lapse of long period of 34 to 38 years. Aggrieved by the same, the appellants have filed the present writ appeal.

4. From perusal of the records, it reveals that the learned Single Judge after considering the contentions of the respective parties and the material available on record, dismissed the writ petition holding that the appellants have filed Writ Petition No.8118 of 1995 claiming restoration of possession, or alternatively for payment of compensation in respect of the subject property, after lapse of nearly more than 38 years. The appellants have not given any reasons much less valid reasons for the long delay and latches. The learned Single Judge has rightly dismissed the Writ Petition and this Court does not find any ground to interfere with the order passed by the learned Single Judge.

5. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

SD/- N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

JIA
SECTION OFFICER

To,

1. One CC to SRI. D V REDDY Advocate [OPUC]
2. Two CCs to GP FOR LAND ACQUISITION, High Court for the State of Telangana. [OUT]
3. Two CD Copies *PK*

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HIGH COURT

DATED:25/09/2024



JUDGMENT

WA.No.885 of 2010

**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

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25/10/24
6 copies.