

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

**TUESDAY, THE TWENTY NINTH 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: 1756 OF 2008**

Writ Appeal under clause 15 of the Letters Patent aggrieved by the order passed in WP No. 208 of 2006 dated 10-9-2008 on the file of the High Court.

**Between:**

Moinunnisa Begum, W/o. Late Nawab Khaderuddin Ali Khan, HOUSE HOLD,  
R/o. Shams Manzil, Paradise, Secunderabad.

**...APPELLANT**

**AND**

1. Special Deputy Collector (LA), for International Airport at Shamsabad. Ranga Reddy District.
2. Chief Commissioner Land Administration, (Court of Wards), Having the office at Collectrate Complex, Nampally, Hyderabad.
3. District Collector Ranga Reddy District, Having the Office at Lakdikapul, Hyderabad.
4. Mohd. Abdul Kareem, S/o: late Gulam Mohiuddin, Age 70 years, Occ: Agriculture, R/o H.No.4-3, Village and Mandal Shamshabad, District Ranga Reddy.
5. Khwaja Moinuddin, S/o: Shah Mohiuddin, Age 54 years, Occ: Employee, R/o H.No. 4-5, Village and Mandal Shmashabad, District Ranga Reddy.
6. Mohd. Afsar S/o: Shah Mohiuddin, Age 52 years, Occ: Service, R/o H.No.3-97, Village and Mandal Shamshabad, District Ranga Reddy.
7. Mohd. Siddiqui S/o: Shah Mohiuddin, Age 49 years, Occ: Govt. Service, R/o Village and Mandal Shamshabad, District Ranga Reddy.
8. Mohd. Abdul Quddus, S/o: late Mohd. Abdul Raheem, R/o H.No.4-4, Village and Mandal Syhamshabad, District Ranga Reddy.
9. Mohd. Abdul Lateef, S/o: late Mohd. Abdul Raheem, Age 49, Occ: Agriculture, R/o H.No.4-4, Village and Mandal Shamshabad, District Ranga Reddy.

10. Mohd. Abdul Samad, S/o: late Mohd. Raheem, Age 47 years, Occ: Govt. Servant, R/o H.No.4-4, Village and Mandal Shamshabad, District Ranga Reddy.
11. Mohd. Abdul Azeem, S/o: late Mohd. Abdul Raheem, Age 37, Occ: Govt. Servant, R/o H.No.4-4, Village and Mandal Shamshabad, District Ranga Reddy.
12. Mohd. Abdul Saleem, S/o: late Mohd. Adbul Raheem, Age 32, Occ: Agriculture, R/o H.No. 4-4, Village and Mandal Shamshabad, District Ranga Reddy.
13. Mohd. Abdul Sami, S/o: late Mohd. Abdul Raheem, Age 28, Occ: Agriculture, R/o H.No.4-4, Village and Mandal Shamshabad, District Ranga Reddy.

**Respondent No. 4 to 13 are impleaded as per Court Order dated 16-09-2014 in WAMP.No.963 of 2011.**

**...RESPONDENTS**

**I.A. NO: 2 OF 2008(WAMP. NO: 3420 OF 2008)**

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.2 not to disburse the compensation amount received by him in pursuance of the Award Proc. No. B/4/2003 dt. 8-12-2005 to any body during the pendency of the writ Appeal.

**I.A. NO: 3 OF 2008(WAMP. NO: 3497 OF 2008)**

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 receive the two documents i.e., Counter filed by the 1st Respondent in the Writ Petition WP NO. 208 of 2006 and the copy of the preliminary decree dated 10-8-1979 passed in O.S.No.47/65 by the Hon'ble Additional Chief Judge, City Civil Court at Hyderabad as additional material papers.

**I.A. NO: 1 OF 2014(WAMP. NO: 4116 OF 2014)**

**Between:**

1. Mohd. Abdul Kareem, S/o: late Gulam Mohiuddin, Age 70 years, Occ: Agriculture, R/o H.No 4-3, Village and Mandal Shamshabad, District Ranga Reddy.
2. Khwaja Moinuddin S/o: Shah Mohiuddin, Age 54 years, Occ: Employee, R/o H.No. 4-5, Village and Mandal Shmashabad, District Ranga Reddy.
3. Mohd. Afsar S/o Shah Mohiuddin, Age 52 years, Occ Service, R/o H.No. 3-97, Village and Mandal Shamshabad, District Ranga Reddy.
4. Mohd. Siddiqui S/o Shah Mohiuddin, Age 49 years, Occ Govt. Service, R/o Village and Mandal Shamshabad, District Ranga Reddy.
5. Mohd. Abdul Quddus S/o late Mohd. Abdul Raheem, R/o H.No. 4-4, Village and Mandal Syhamshabad, District Ranga Reddy.

6. Mohd. Abdul Lateef S/o late Mohd. Abdul Raheem, Age 49, Occ Agriculture, R/o H.No. 4-4, Village and Mandal Shamshabad, District Ranga Reddy.
7. Mohd. Abdul Samad S/o late Mohd. Raheem, Age 47 years, Occ Govt. Servant, R/o H.No. 4-4, Village and Mandal Shamshabad, District Ranga Reddy.
8. Mohd. Abdul Azeem S/o late Mohd. Abdul Raheem, Age 37, Occ Govt. Servant, R/o H.No. 4-4, Village and Mandal Shamshabad, District Ranga Reddy.
9. Mohd. Abdul Saleem S/o late Mohd. Abdul Raheem, Age 32, Occ Agriculture, R/o H.No. 4-4, Village and Mandal Shamshabad, District Ranga Reddy.
10. Mohd. Abdul Sami S/o late Mohd. Abdul Raheem, Age 28, Occ: Agriculture, R/o H.No. 4-4, Village and Mandal Shamshabad, District Ranga Reddy.

**...PETITIONERS/RESPONDENTS**

**AND**

1. Moinunnisa Begum, W/o. Late Nawab Khaderuddin Ali Khan, HOUSE HOLD, R/o. Shams Manzil, Paradise, Secunderabad.

**...PETITIONERS/RESPONDENTS**

2. Special Deputy Collector (LA), for International Airport at Shamsabad, Ranga Reddy District.
3. Chief Commissioner Land Administration, (Court of Wards), Having the office at Collectrate Complex, Nampally, Hyderabad.
4. District Collector Ranga Reddy District, Having the Office at Lakdikapul, Hyderabad.

**...RESPONDENTS/RESPONDENTS**

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 vacate the stay order granted by this Hon'ble Court in WAMPNO.3420/2008 on 19.02.2009 by dismissing the same in the interest of justice

**Counsel for the Appellant: SRI M. A. BARI(NOT PRESENT)**

**Counsel for the Respondent Nos.1 to 3: SRI E. RAMESH CHANDRA GOUD,  
GP FOR LAND ACQUISITION**

**Counsel for the Respondent Nos.4 to 13: SRI R SATYANARAYANA REDDY**

**The Court made the following: ORDER**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT APPEAL No.1756 of 2008**

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

None for the appellant.

Mr. E. Ramesh Chandra Goud, learned Government Pleader for Land Acquisition appears for the respondents.

2. This intra court appeal is filed against order dated 10.09.2008 passed by the learned Single Judge by which Writ Petition No.208 of 2006 preferred by the appellant has been disposed of with liberty to the appellant to take recourse to the remedy available to her under law.

3. Facts giving rise to filing of this appeal briefly stated are that land measuring Acs.31.30 guntas in Survey Nos.204 to 211 situate at Khajaguda Village along with other lands was acquired for the purpose of International Airport at Shamshabad. A notification under Section 4(1) of the Land

Acquisition Act, 1894 (hereinafter referred to as 'the Act'), was issued on 29.04.2004. Thereafter, a declaration under Section 6 of the Act was published on 14.05.2004 and an erratum was published on 29.04.2004. Ultimately, the Special Deputy Collector passed an award on 08.12.2005.

4. In addition to the private individuals, such as, Mohd. Sirajuddin Khan, Yousufunissa Begum, Asifunnisa Begum, the Chief Commissioner of Land Administration (Court of Wards) also submitted claim statements. On behalf of the Chief Commissioner of Land Administration (Court of Wards), it was pleaded that the acquired land was notified under Section 13 of the Andhra Pradesh (Telangana Area) Court of Wards Act, 1350 Fasli (hereinafter referred to as 'the Wards Act'). In the award dated 08.12.2005, the Special Deputy Collector directed that the amount of compensation be deposited with the Chief Commissioner of Land Administration (Court of Wards) subject to the claims of various individuals.

5. The grievance of the appellant is that the Special Deputy Collector ought to have referred the matter under Section 30 of the Act. The appellant therefore filed the aforesaid Writ Petition seeking the following relief:

*“Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ or direction directing the Respondent No.1 to call for the cheque for the amount of compensation for the lands acquired in Proc.No.B/4/2003 dated 08.12.2005 from respondent No.2 and to deposit under Section 30 & 31 of the Land Acquisition Act in the court to which the reference under Section 18 of the Land Acquisition Act lies and direct the respondent No.2 return the said cheque to the respondent No.1 to proceed in accordance with law by quashing the direction given by the 1st respondent in his Award in Proc.No.B/4/2003 dated 08.12.2005 and directing the claimants to approach the Respondent No.2 to receive the compensation through the notice No.B/4/2003 dated 16.12.2005 being illegal, without any jurisdiction and against the provisions of the land Acquisition Act and costs be awarded and to pass such other order or orders as this Court may deem fit and proper in the interest of justice.”*

6. The learned Single Judge by an order dated 10.09.2008 has disposed of the aforesaid Writ Petition with liberty to the appellant to work out the remedies in respect of notification

dated 29.01.1961 issued under Section 13 of the Wards Act in respect of the land which has been acquired and to pursue other remedies which may be available to the appellant in law. In the aforesaid factual background, this Writ Appeal has been filed.

7. One of the grounds urged in the memo of appeal are that the learned Single Judge ought to have appreciated that the Chief Commissioner of Land Acquisition (Court of Wards) was one of the claimants and therefore, the reference ought to have been made under Section 30 of the Act.

8. We have perused the record.

9. The Chief Commissioner of Land Acquisition (Court of Wards) cannot be treated as a rival claimant and cannot be made to defend himself in a proceeding under Section 30 of the Act. It has been held by the learned Single Judge that there is no rival claim between a Ward and an Administrator. Therefore, the learned Single Judge has granted liberty to the appellant to take recourse to the remedy which may be

available to her in law. The order under appeal does not suffer from any infirmity warranting interference of this Court in this intra court appeal.

10. In the result, the Writ Appeal fails and is hereby dismissed.

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

//TRUE COPY//

**SD/- K. SHYLESI**  
**DEPUTY REGISTRAR**  
**SECTION OFFICER**

To,

1. One CC to Sri M. A. Bari, Advocate [OPUC]
2. Two CCs to GP for Land Acquisition, High Court for the State of Telangana, at Hyderabad [OUT]
3. One CC to Sri R. Satyanarayana Reddy, Advocate [OPUC]
4. Two CD Copies

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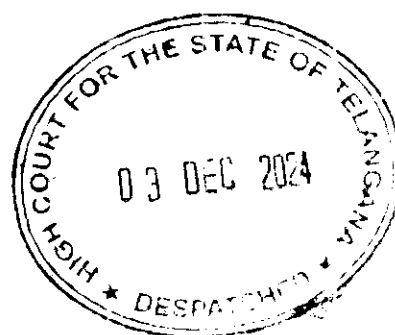
§



HIGH COURT

HCJ  
&  
JSR,J

DATED:29/10/2024



JUDGMENT

WA.No.1756 of 2008

DISMISSING THE WRIT APPEAL

WITHOUT COSTS

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