

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

**MONDAY, THE THIRTIETH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

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

**WRIT APPEAL NO: 1431 OF 2024**

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order  
Dated 26/09/2024 in W.P.No14828 of 2023 on the file of the High Court.

**Between:**

1. Sama Suresh Reddy, S/o.Laxma Reddy, Aged 55 years, Occ: Business, R/o. H.No.2-1-67, Upparpalli, Rajendranagar, Ranga Reddy District.
2. Sama Suman Reddy, S/o.Laxma Reddy, Aged 51 years, Occ: Business, R/o. H.No.2-1-67, Upparpalli, Rajendranagar, Ranga Reddy District.
3. Sama Syamsunder Reddy, S/o.Laxma Reddy, Aged 49 years, Occ: Business, R/o. H.No.2-1-67, Upparpalli, Rajendranagar, Ranga Reddy District.

**...APPELLANTS/WRIT PETITIONERS**

**AND**

1. The State of Telangana, Rep by its Principal Secretary, Municipal Administration and Urban Development (Land Acquisition) Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank Bund, Hyderabad.
3. The Special Collector, Land Acquisition and Commissioner, Greater Hyderabad Municipal Corporation (GHMC), 6<sup>th</sup> floor, Tank Bund, Hyderabad.
4. The Special Deputy Collector, Land Acquisition, GHMC, 6th floor, Municipal Complex, Tank Bund, Hyderabad
5. The Station House Officer, Rajendranagar Police Station, Rajendranagar, R.R.District.
6. Sri Murali Manohar Swamy Temple, Kishan Bagh, Bahadoorpura, Hyderabad Rep. by its Trustee Nand Kumar S/o.Nand Lal, Aged 84 years, R/o.Vilia No.81, Whisper Valley, Shaikpet, Hyderabad.

**...RESPONDENTS**

**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 proceedings vide Lr.No. A/04/2022 dt.18.5.2023 issued by the 4th respondent pending disposal of the writ appeal.

**Counsel for the Appellants: SRI P. VENUGOPAL, REPRESENTING FOR  
SRI T. SUDHAKAR REDDY**

**Counsel for the Respondent No.1: GP FOR MCPL ADMN URBAN DEV**

**Counsel for the Respondent No.2,3 and 4: SRI M. ARUN KUMAR,  
SC FOR GHMC**

**Counsel for the Respondent No.5: GP FOR HOME**

**Counsel for the Respondent No.6: SRI K. LOHIT REPRESENTS  
M/S CHANDRASEN LAW OFFICERS**

**The Court Delivered the following: JUDGMENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT APPEAL No. 1431 OF 2024**

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

This intra court appeal has been filed aggrieved by the order dated 26.09.2024 passed in W.P.No.14828 of 2023 whereunder the learned Single Judge disposed of the writ petition and permitted respondent No.6 to institute appropriate case before the Endowment Tribunal in respect of the subject land in Survey No.105/2 and directed the respondents not to take any coercive action against the appellants for recovery of the amount.

2. Heard Sri P.Venugopal, learned Senior Counsel representing Sri T.Sudhakar Reddy, learned counsel for the appellants, on admission.

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

3.1. Facts giving rise to filing of this writ appeal briefly stated are that appellant No.1 is claiming that he is owner and possessor of the agricultural land to an extent of Ac.4-37 guntas in Sy.Nos.76 and 77 and appellant Nos.2 and 3 are claiming that they are owners and possessors of the agricultural land to an extent of Ac.2-08 guntas in

Sy.No.75 of Upparapalli Village, Rajendranagar Mandal, Ranga Reddy District and total land comes to Ac.7-05 guntas. Appellant No.1 claims to be the owner and possessor of Ac.2-38 guntas in Sy.Nos.4, 5, 9 and 10 with sub division numbers located at Sogbowli Village, H/o. Upparapally, Rajendranagar Mandal, Ranga Reddy District and Plot No.53 in Sy.No.8, admeasuring 413.86 square yards situated at Royal City, now renamed as Fort View Colony, Sogbowli Village, Rajendranagar Mandal, Ranga Reddy District. It is also averred that the appellants are owners of the land to an extent of Ac.10-27 guntas in Sy.Nos.101, 102, 103, 104 and 105 of Upparapally Village, Rajendranagar Mandal, Ranga Reddy District.

3.2 The appellants further averred that the lands of the appellants are adjacent to the lands in Sy.Nos.73 and 74, but one Mr.A.Venkateswara Reddy closed the drain stream flowing into his fields, causing the drain water to stagnate the Ashok Vihar Colony layout. Questioning the said encroachment, the appellants filed W.P.No.11805 of 2017 and the learned Single Judge of the erstwhile High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh disposed of the same directing the respondents therein to follow due procedure in accordance with law. The appellants filed two other W.P.Nos.23260 and 23464 of 2017 and the said writ petitions were also disposed of on 13.07.2017 by the learned Single Judge of the erstwhile High Court of Judicature at

Hyderabad for the State of Telangana and the State of Andhra Pradesh directing the respondents therein not to interfere with the peaceful possession and enjoyment of the properties of the appellants. In spite of the said orders, respondent No.4 sent a letter to the Gram Panchayat Secretary, Upparapally to file a status report of the appellants' lands in Sy.Nos.75, 76 and 77 of Upparapally Village, as the said lands were under encroachment. Immediately, the appellants filed W.P.No.16742 of 2019 before this Court.

3.3 The appellants further averred that the land acquisition authorities have initiated the proceedings to acquire the lands forming part of Sy.Nos.8/2 admeasuring 66.37 square yards, 9/2 admeasuring 506 square yards and 105/2 admeasuring 1222.27 square yards and respondent No.4 passed award on 07.03.2022 acquiring the lands for the use of GHMC and HMWS and SB Board and awarded an amount of Rs.7,28,62,384/-. Out of the said compensation, an amount of Rs.4,96,24,162/- was awarded for the land in Sy.No.105/2 of Upparapally Village.

3.4 The appellants further averred that respondent No.6 submitted a representation dated 06.01.2023 before the respondent authorities requesting them to pay the compensation amount determined for the lands in Sy.No.105/2. Basing on the said representation, respondent No.4 issued show cause notice to the appellants directing them to remit the compensation amount paid to the appellants in respect of

Sy.No.105/2. The appellants submitted a detailed explanation. Without considering the same, respondent No.4 issued orders vide proceedings No. A/04/2022, dated 18.05.2023 directing the appellants to refund the compensation amount in respect of the lands covered in Sy.No.105/2.

3.5 Aggrieved by the above said proceedings dated 18.05.2003, the appellants have filed the writ petition and the learned Single Judge disposed of the said writ petition holding that the appellants as well as respondents are claiming rights over the property to an extent of Ac.2-07 guntas in Sy.No.105/2 and the appellants have to establish their rights and ownership over the disputed lands and thereafter only, they are entitled for compensation in accordance with the provisions of the Land Acquisition Act, 1894. Learned Single Judge further observed that since the appellants are raising dispute that their lands are forming part of the lands acquired by the respondents, respondent No.6 is permitted to institute appropriate case before the Endowment Tribunal, and on such case has been instituted, the Tribunal is directed to dispose of the same as expeditiously as possible within a period of six months from the date of filing of such case. Till such time, the respondents are directed not to take any coercive action against the appellants for recovery of the amount, but all the remaining proceedings may go on. Thus the appellants filed the present writ appeal.

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4. **Submissions of the learned Senior Counsel for appellants:**

4.1 Learned Senior Counsel submitted that the subject property i.e. land to an extent of Ac.2-07 guntas in Sy.No.105 of Upparapalli Village, Rajendranagar Mandal, Ranga Reddy was purchased by the father of the appellants in the year 1983 through 'sada bainama' and the said document was regularized by the revenue authorities under Section 5-A of the Andhra Pradesh Record of Rights in Land and Pattadar Pass Books Act, 1971 (hereinafter referred as 'the R.O.R. Act') and his name was mutated in the revenue records and pattadar pass books were issued. After his death, the appellants are continuing in possession of the subject property and respondent No.6 is not having any right or title over the said property and the Land Acquisition authorities after following due process of law, acquired portion of the property to an extent of 1222.27 square yards and passed the Award and rightly paid compensation in favour of the appellants and the same has become final.

4.2 He further submitted that basing upon the representation submitted by respondent No.6 dated 06.01.2023, respondent No.4 is not having any authority or jurisdiction to reopen the proceedings and pass the order dated 18.05.2023. Admittedly, the subject land to an extent of Ac.2-07 guntas in Sy.No.105 Sy.No.105 is a private

patta land of the appellants. He also submitted that the learned Single Judge without properly considering the contentions of the appellants and the material documents, passed the impugned order permitting the respondent No.6 to initiate proceedings before the Endowments Tribunal. Admittedly, respondent No.4 is not having authority or jurisdiction to pass the order dated 18.05.2023.

**Analysis:**

5. We have considered the submissions made by the learned Senior Counsel for the appellants and perused the material available on record. Admittedly, the appellants are claiming rights to an extent of Ac.2-07 guntas in Sy.No.105 situated at Upparapally Village, Rajendranagar Mandal, Ranga Reddy District. The record reveals that the Land Acquisition Officer, Special Deputy Collector, Greater Hyderabad Municipal Corporation, had initiated the land acquisition proceedings under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act') for acquisition of the land covered by Sy.Nos.8/2, 9/2, 105/2 to an extent of 1794.64 square yards for construction of RCC box, drain for public purpose and passed Award No.A/04/2022 dated 07.03.2022 and determined compensation to an amount of Rs.4,96,24,165/- in respect of land to an extent of 1222.27 square yards covered by Sy.No.105/2 and paid the same to the appellants.



6. The record further reveals that subsequent to the same, respondent No.6 Temple submitted a representation dated 06.01.2023 before the respondent No.3 claiming that the land to an extent of Ac.2-07 guntas covered by Sy.No.105 situated at Upparapally Village is belonging to respondent No.6-Temple and requested to provide any proceedings over the said land and basing upon the said representation, respondent No.3 issued show cause notice to the appellants and others on 18.01.2023 directing them to submit explanation. Thereafter respondent No.3 passed orders vide proceedings No.A/04/2022, dated 18.05.2023 exercising the powers conferred under Section 30-A of the Act stating that the appellants and others received the compensation over the lands covered by Sy.Nos.8/2, 9/2 and 105/2 to an extent of 1794.64 square yards by playing fraud and the appellants and others are liable to refund the compensation amount which was received by them apart from filing F.I.R. in the concerned police station by initiating the criminal action against the appellants and others.

7. Aggrieved by the said proceedings, the appellants filed writ petition concerning the land covered by Sy.No.105/2. The learned Single Judge disposed of the writ petition permitting the respondent No.6 to initiate appropriate proceedings before the Endowment Tribunal and till the disposal of the proceedings which are going to be filed by respondent No.6, respondent Nos.2 to 4 are directed not

to take any coercive steps for recovery of the amount from the appellants.

8. The contention of the learned Senior Counsel for the appellants that the subject property is belonging to the appellants and respondent No.6 is not having any semblance of right over the property and once the Land Acquisition Officer passed the Award dated 07.03.2022 after following due procedure and the same has become final and respondent No.4 is not having any authority or jurisdiction to reopen the proceedings, is concerned, admittedly, respondent No.6 is claiming rights and title over the property. Similarly, the appellants are disputing the rights and title of respondent No.6 and claiming rights over the property. Admittedly, the learned Single Judge while disposing of the writ petition permitted respondent No.6 to initiate the proceedings before the Endowment Tribunal to establish their rights over the property and protected the rights of the appellants.

9. It is pertinent to mention that the learned Single Judge has not decided the rights of the respective parties while disposing of the writ petition and only issued a direction permitting the respondent No.6 to institute the proceedings before the Endowment Tribunal and protected the rights of the appellants and directed respondent Nos.2 to 4 not to recover the amounts pursuant to the order dated 18.05.2023 of respondent No.3 and the appellants are entitled to

raise all the objections/grounds which are available under law including disputing the rights of respondent No.6 before the Endowment Tribunal in the event, respondent No.6 files dispute in respect of the subject property covered by Sy.No.105/2.

10. It is pertinent to mention that the Land Acquisition authority while initiating the proceedings under Section 30 of the Act, they have not decided the title over the property. In the case on hand, the Land Acquisition Officer passed the Award dated 07.03.2022 and paid compensation basing upon the entries made in the revenue records. Whereas respondent No.6 is claiming rights basing upon the Endowment records, wherein the subject property covered by Sy.Nos.8 to 10, 94, 105, 183 to 186 of Upparapally Village is recorded as Endowment lands. The specific claim of respondent No.6 is that the land acquisition authorities without verifying the said records passed the Award on 07.03.2022 and paid the compensation wrongly in favour of the appellants and others, and the subject property belongs to respondent No.6- Temple. The said facts have to be determined by the competent Court after adducing necessary evidence. The appellants are entitled to raise all the grounds, which are available under law including the grounds raised in this appeal, before the Endowment Tribunal in the event respondent No.6 initiates the proceedings in respect of the subject property.

11. For the foregoing reasons, we do not find any ground to differ with the view taken by the learned Single Judge.

12. In the result, the Writ Appeal fails and is hereby dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

**//TRUE COPY//**

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

To,

1. One CC to Sri T. Sudhakar Reddy, Advocate [OPUC]
2. Two CCs to GP for Municipal Administration Urban Development, High Court for the State of Telangana, at Hyderabad [OUT]
3. One CC to Sri M. Arun Kumar, SC for GHMC[OPUC]
4. Two CCs to The GP for Home, High Court for the State of Telangana, At Hyderabad[OUT]
5. One CC to M/s Chandrasen Law Offices, Advocate[OPUCD]
6. Two CD Copies

TJ

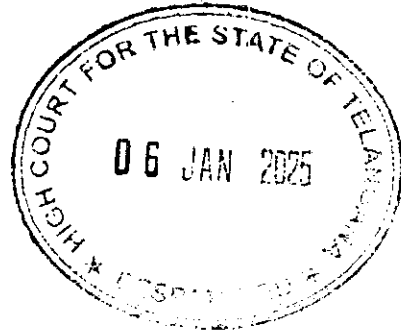
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**HIGH COURT**

**DATED:30/12/2024**

**JUDGMENT**

**WA.No.1431 of 2024**



**DISMISSING THE WRIT APPEAL  
WITHOUT COSTS**

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