

IN THE HIGH COURT OF TELANGANA AT HYDERABAD

W.P.No.9092 OF 2023

Between:

M/s. Multidimensions Plot Owners Welfare Society

... **Petitioner**

And

The State of Telangana & others

... **Respondents**

JUDGMENT PRONOUNCED ON: 03.06.2024

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes
see the fair copy of the Judgment?

SUREPALLI NANDA, J

THE HON'BLE MRS JUSTICE SUREPALLI NANDA**W.P.No.9092 OF 2023****% 03.06.2024****Between:**

M/s. Multidimensions Plot Owners Welfare Society

... Petitioner**And**

\$ The State of Telangana & others

... Respondents

< Gist:

> Head Note:

! Counsel for the Petitioner : Mr.K.Sai Sri Harsha**^ Counsel for Respondents** : Govt. Pleader for Revenue
for R1
Govt. Pleader for
Assignment for R2 and R3.

? Cases Referred:

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THE HON'BLE MRS. JUSTICE SUREPALLI NANDA**W.P. No.9092 OF 2023****ORDER:**

Heard Mr.K.Sai Sri Harsha, learned counsel appearing on behalf of the petitioner, learned Government Pleader for Revenue appearing on behalf of respondent No.1 and learned Government Pleader for Assignment appearing on behalf of respondent Nos.2 and 3.

PRAYER:

2. **The Petitioner approached the Court seeking prayer as under :**

"...declaring the proceedings in File No.F1/3272/6(1)/06 dated 4.2.2006 and the Panchanama Proceedings dated 11.3.2008 under Section 10(6) of Urban Land (Ceiling and Regulation) Act is contrary to law, illegal, void, violative of Principles of Natural justice and violative of Article 300-A of the Constitution of India and consequently to set-aside the above proceedings in the interest of justice...".

3. **PERUSED THE RECORD :**

The counter affidavit has been filed by the 2nd respondent, in particular, paras 7, 8 and 9, read as under:

"7. It is further submitted that, the petitioner society is 3rd party purchaser of the plots in violation of the provisions U/s. 5(3) of the ULC Act. In respect of issuing the orders in the name of the dead person, it is submitted that, it is clearly mentioned in above paras that on enquiry it is found that the land owner expired and whereabouts of legal heirs are not known. Therefore, the proceedings were issued affixed on the existing boulder in the subject site and also on the notice board of Gram Panchayat duly conducting panchanama. In response to the said proceedings neither the legal heirs of pattadars nor the purchasers of the plots including the petitioner society have filed any representation before the then Special Officer, U.L.C., Hyderabad. And further submitted that, the petitioners society is neither the land owner nor legal heir of the land owner but only 3rd party purchaser, as such the petitioner society is not competent to challenge the proceedings issued under the ULC Act.

8. It is further submitted that the petitioner herein stated that the pattadar E.Mallaiah expired in the year 1972 and that the legal heirs of pattadars have executed a registered Power of Attorney in favour of one B.Ravindra S/o late Rangaiah in the year 1988 i.e., after the U.L.C. Act 1976 came into force. The said G.P.A. holder stated to has developed the land into residential plots and sold to various persons who are stated to be members of petitioners Society herein. That sale of any land situated in core area and peripheral area after

commencement of the U.L.C. Act, 1976 is null and void U/s. 5(3) of the Act.

9. In reply to paras 5 to 8, it is respectfully submitted that, the 3rd party purchaser's of the individual plots in Sy.Nos.30 and 31 of Guttalabegumpet Village, Smt P. Sudha Rani W/o. P. Achyutha Ramaiah & (8) others have filed W.P.No.20287 of 2013 and the said writ petition was allowed on 28-04-2014 based on the judgment rendered in W.P.No.22077 of 2009 dated 31-12-2013 wherein the U.L.C. proceedings in file No.F1/3272/6(1)/2006 was set aside. Aggrieved by the above orders of this Hon'ble Court, the Government filed writ appeal in W.A.S.R.No.78377 of 2014 in W.P.No.22077 of 2009. It is further submitted that, Writ Appeal Nos. 275/2018, 276/2018 and 278/2018 have been preferred by certain persons claiming interest in the same land against the orders in W.P.Nos. 20287/2013, 23634/2009, 22077/2009. In this regard it is submitted that the Hon'ble Court in its common orders in W.A.Nos. 275/2018, 276/2018 and 278/2018 dated: 29-03-2022 ordered as **"In the considered opinion of this Court, title dispute cannot be decided in writ appeal and therefore, liberty is granted to take recourse to the other civil remedies available under the law. With the aforesaid, the present writ appeals and the leave petitions stand disposed of"**. Therefore the petitioner society herein is not entitled for any relief as sought for in these paras and the writ petition is not maintainable under law and is liable for dismissal.

4. The case of the Petitioner in brief as per the averments made in the affidavit filed by the Petitioner in support of the present writ petition, is as under :

i) The members of the petitioner's society are the owners of different residential plots in survey No.30 and 31 of Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District. Originally, the subject land admeasuring Ac.2.13 guntas belonged to one E.Mallaiah, S/o. Pochaiah, Resident of Madhapur village and after his demise in and around 1972, his wife and children have become successors of the subject property through Hindu Succession Act. In the year 1988, the legal heirs of E.Mallaiah executed a registered Power of Attorney in favour of Sri B.Ravindra, in respect of the subject land owned and possessed by them, in turn B.Ravindra, as a GPA holder, developed the land into residential plots and sold to different third parties which include persons who are members in the petitioner's society herein. Since the date of purchase the members of the society are in possession and enjoyment of their respective plots.

ii) The Urban Land (Ceiling and Regulation Act) has come into operation w.e.f., 01.04.1976 and the same was repealed and

the Repeal Act came into operation in Andhra Pradesh w.e.f., 27.03.2008.

iii) Further it is the case of the petitioner that some of the plot owners of Sy.Nos.30 and 31 of Guttala Begumpet Village have filed W.P.No.20287 of 2013 in respect of the subject land in Sy.No.30 and 31, praying for an identical relief, which was allowed on 28.04.2014 based on the Judgment rendered in W.P.No.22077 of 2009 dated 31.12.2013 wherein the ULC proceedings in File No.F1/3272/6(1)/06 relating to Survey No.30 and 31 were set aside. The fact of the above development has not been communicated by the Urban Land Ceiling office to the concerned related departments, resulting in the applications being submitted by the members of the petitioner's society for land regularization. Whenever the members of the society are approaching the authorities for building permissions or regularization of plots etc., by relying upon the judgment rendered in WP No.22079 of 2009, the same is being objected stating that the members of the society are not parties to the said writ petition and the society is not the petitioner in the said writ petition. Aggrieved by the same, the petitioner filed the present writ petition.

DISCUSSION AND CONCLUSION :

5. Learned counsel appearing on behalf of the petitioner placing reliance on the order of this Court dated 31.12.2013 passed in W.P.No.22077 of 2009 contends that the petitioner herein is also entitled for the similar relief as obtained by the petitioner in W.P.No.22077 of 2009. The relevant portion of the order dated 31.12.2013 passed in W.P.No.22077 of 2009 is extracted hereunder:

“The writ petition, therefore, deserves to be allowed and is accordingly allowed and there shall be a Mandamus declaring all proceedings taken by the second respondent in File No.F1/3272/6(1)/06 with respect to land of the petitioners forming part of Sy.Nos.30 and 31 of Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District, as void, inoperative and ultravires the Act and consequently, the petitioners are entitled to use, enjoy and possess the respective plots purchased by them from out of the aforesaid land in view of the Repeal Act with effect from 27.03.2008. As a sequel, miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.”

6. On perusal of the record it is evident that aggrieved against the orders dated 31.12.2013 passed in W.P.No.22077 of 2009 the Government filed W.A.S.R.No.78377 of 2014 in W.P.No.22077 of

2009 and the said writ appeal is still pending for final adjudication before Division Bench of this Court. It is also relevant to note that Writ Appeal Nos.275 of 2018, 276 of 2018 and 278 of 2018 had been preferred by certain persons claiming interest in the same land against the orders in W.P.Nos.20287 of 2013, 23634 of 2009 and 22077 of 2009 and the High Court in its common orders in W.A.Nos.275 of 2018, 276 of 2018 and 278 of 2018 dated 29.03.2022 observed as under:

"In the considered opinion of this Court, title dispute cannot be decided in writ appeal and therefore, liberty is granted to take recourse to the other civil remedies available under the law. With the aforesaid, the present writ appeals and the leave petitions stand disposed of".

7. This Court taking into consideration the averments made at paras 7, 8, 9 of the counter affidavit filed on behalf of respondent No.2 and duly considering the averments made at para 4 of the affidavit filed by the petitioner in support of the present writ petition and duly considering the observations of the Division Bench of this Court dated 29.03.2022 passed in W.A.No.275 of 2018 and batch referred to and extracted above opines that in view of the

fact that the petitioner's society is a third party purchaser of the subject plots and as per the Division Bench orders dated 29.03.2022 passed in W.A.No.275 of 2018 and batch, which had been preferred by certain persons claiming interest in the land covered against the orders in W.P.Nos.20287 of 2013, 23634 of 2009 and 22077 of 2009, the petitioners herein are also at liberty to pursue civil remedies available under the law as observed by the Division Bench of this Court in its orders dated 29.03.2022 passed in W.A.Nos.275 of 2018, 276 of 2018 and 278 of 2018. Accordingly, the writ petition is disposed of. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

SUREPALLI NANDA, J

Date: 03.06.2024

Note : L.R. Copy to be marked.
B/o. *Yvkr*