

**IN THE COURT OF I ADDITIONAL DISTRICT JUDGE-CUM-SPECIAL  
TRIBUNAL UNDER THE LAND GRABBING (PROHIBITION) ACT  
MEDCHAL-MALKAJGIRI DISTRICT AT KUSHAIGUDA**

**Monday, the 27<sup>th</sup> day of January, 2025**

**Present: Sri R.Raghunath Reddy**

I Addl. District Judge, Medchal-Malkajgiri  
District at Kushaiguda.

**LGOP No.08 of 2022**

(Old LGOP No.1156 of 2016)

(LGC No.40 of 2003)

(OS No.36 of 1986)

and

**LGOP No.11 of 2022**

(Old LGOP No.1159 of 2016)

(LGC No.153 of 1996)

**LGOP No.08 of 2022**

**Between:**

State of AP., rep. by its  
District Collector, RR District

.... Applicant

And

1.Saleemunisa Begum, W/o.Late Habeebuddin,  
Aged 72 years, Occ: Household,  
R/o.Zainuddin Hosque Shivajibazar,  
Osmania University Campus, Hyderabad

2. Ravi Savithri Subba Rao, W/o.Late Ravi Subba Rao,  
Aged 67 years, R/o.H.o.61-1-68/3,  
Lakdikapool,Hyderabad

3. Tummala Krishna Rao, S/o.Venkataheraiah,  
Aged 70 years, R/o.Gunadala, Vijayawada

4. Bandi Venkata Rama Rao, S/o.not known,  
Aged 77 years, R/o.1/90, Habsiguda, Hyderabad

5. Valluri Keshava Rao, S/o.Not known,  
Aged 62 years, R/o.Plot o.16,Srinagar Colony, Hyderabad
6. P.Lakshmikatam(died)
7. B.R.Sunanda, W/o.B.R.Onaga Reddy,  
Aged 52 years, R/o.Subhashagar, Nizamabad
8. B. Narasimhareddy, S/o Ganga Reddy, Aged 69 years, R/o Subhashnagar,  
Narayanaguda, Hyderabad.
9. C. Bhoom Reddy, S/o C.Chinna Reddy,  
Aged 57 years, C/o D. Subhasan Reddy, Narayanaguda, Hyderabad.
10. M.Srihari Reddy, S/o. Pratapreddy, Aged 55 years, Advocate,  
R/o. Bodhan, Nizamabad,
11. Koneru Venkata Krishnalah, s/o Rttaiiah, Aged 77 years, R/o H.No.1-101,  
Habadauda, Ranga Reddy District.
12. Mulluri Purnachandra Rao, S/o Narsimham, Aged 60 years,  
R/o Masabtank, Hyderabad,
13. Koneru Dhanalakshmi Devi, W/o Sivashankar Rao, Aged 57 years,  
H.No.2/136, Kothapet.
14. Akunury Rammohan Rao, S/o A. Sundar Rao, Aged 63 years.
15. Vanakuru Seetharam Reddy, S/o Bhujangareddy, Aged 71 years,
16. Kolli Venkatram Reddy, 8/o Narsireddy, Aged 62 years,  
R/o L. Sudhakar Reddy, Hyderabad.
17. Polu Ramanayya, W/o Pakoorish, Aged 82 years
18. Koneru Rajendra Prasad, S/o Mallaiah, Aged 72 years
19. Koneru Sambasiva Rao, S/o Mallalah, aged 54 years,
20. G.Venkayamma, Wo G. Ramulu, aged 57 years,

21. K. Bhairulala, S/o Kaishrimal, aged 69 years,
22. M. V. Nagender Rao, S/o M. Jagannath Rao, Aged 70 years, R/o H.No.3-96, Erramanzil, Hyderabad.
- 23.D.V Narasimha Rao, S/o. Ramakrishnaiah, aged 72 years,
24. G.V. Ramakrishna Rao, S/o G.L. Narasimha Rao, aged 44 years,
- 25.Abburi Annapurnamma, W/o A. Balakrishnarao, Aged 62 years, R/o.H.o.1/108, Habsiguda, RR District
26. Dr.V.Rajeswara Rao, S/o.V.Seethaiah,Aged 48 years, R/o.1-9-34/F, Sarada Nilayam, Ramnagar, Hyderabad
27. B. Narsimha, W/o.not known Aged 60 yous, No 1-136, Habsiguda, Hyderabad
28. Smt. Vasundhara,W/o.not known, R/o.1-122, Habsiguda, Hyderabad
29. Smt. Ravi Kamakshamma, W/o.not known, Aged 59 years, R/o.1-130, Habsiguda, Hyderabad
30. A. Basvaith, S/o.not known, Aged 72 years, R/o.1-123, Habsiguda, Hyderabad
31. Vittal, S/o Todewalla, Aged 72 years, R/o.Badishawdi, Sultan Bazar, Hyderabad
32. Bandi Aditya Prasad, S/o.Bandi Ramakrishna Rao, Aged 34 years, R/o.1/90, Habsiguda, Hyderabad
33. Mohd. Imtiazuddin Siddiqui, S/o. Mohd Asifuddin (Died per LRs) Aged 58 years, Landlord, R/o. 3-4-864, Barkatpura, Hyderabad
34. Mohd.Ethashamuddi Siddiqui, S/o. Mohd Asifuddin,(Died per LRs) Aged 53 years, Landlord, R/o. 3-4-864, Barkatpura, Hyderabad
35. Osmania University, rep. by its Registrar, Osmania University Campus, Hyderabad  
( Impleaded as per order in IA No.1145/1993 dt. 05.07.1993)

36. Syed Ahmed Hussain Bejuludi, S/o.S.A. Kareo Hussain,  
Aged 37 years (Impleaded as per order in IA dt. 15.2.1995)
37. Sd. Mahammed Hussain Bhagdad, S/o.late S.A. Khasee Hussain Bhadad,  
Aged 41 years R/o.16-8-252, Kaladera, Malakpet, Hyderabad
38. Sd. Mahammed Hussain Bhagdad, S/o late S.A. Khaseen Hussain Bhadad,  
Aged 41 years, R/o.16-8-252, Kaladera, Malakpet, Hyderabad
39. Smt. Muneerunnisa Begum, W/o.Late Syed Kareem Hussain (Died per LRs)  
Aged 67 years,
40. Syed Amtul Fatimas Basith, D/o.Late Abdul Kareem,  
Aged 46 years,
41. Smt. Tummala Mangatayaramma, W/o.Late T.Krishna Rao,  
Aged 74 years, R/o.48-193, Opp:Medical College,  
Sri Ramachandranagar, Vijayawada
42. Smt. Vasanthakumari, W/o Purnachandra Rao,  
Aged 49years, R/o 48-193, Opp: Medical college,  
Sri Ramachandranagar, Vijayawada.
43. Smt. P. Navarathnakumari, W/o Seetaram Chowdary,  
Aged 42 years, Opp: Medical college,  
Sri Ramachandranagar, Vijayawada.
44. Tummala Vasantha Rao, S/o T. Krishna Rao, Aged 44 years,  
Opp: Medical college, Sri Ramachandranagar, Vijayawada.  
(41 to 44 are added as L.Rs of R3 order dt 2-9-1996)
45. Smt. Dandamurti Rajend, W/o late D. Narsimha Rao,  
R/o Pennumatahas village, Paidimukkala Mandal, Krishna Dist.
46. Dademuriti Ramakrishna Prasad, S/o late D.V. Narasimha Rao,  
Aged 42 years, R/o 30-1945, a. Cimp, Ralavarivalla, Vijayawada,  
Krishna Dist.  
(R45 &46 are added as per LRs R23 as per order dt 02-09-1996)
47. M/s. Nagarjuna Coop. House Building Society, rep. by its Secretary.
48. K.V. Kanakavalli, W/o K. Ranganatha Chary (died)

49. Smt. Koneru Shesharatnam, W/o late K. Venkata Krishna, Borbapadu (V), viz. Kuchipudi, Krishna Dist.  
(added suo motu as per order dt.27-10-2003 as LR of R11)
50. Dr. K.R.N. Tagore, S/o late Koneru Venkata Krishna, Door No.29-28/1-29, Koverhaudi, Vardi Street, Sitaramapuram, Vijayawada.
51. Sajja Purnachandra Rao, S/o Ankineedu, Aged 57 years, Employee, R/o 48-19-2, Opp: Medical College, Sri Ramachandranagar, Vijayawada.
52. Vankayalapati Madhavi, W/o Subba Rao, Aged 35 years, Housewife, D.No. 48-19-3, Opp: Medical College, Sri Ramachandranagar, Vijayawada.
53. Garapati Srirama Murthy, S/o late Ganga Raju, Aged 77years, R/o Ankampalem village, Atreyapuram Mandal, East Godavari district.
54. Gullapalli Venkata Suryanarayana, S/o Narasimha Murthy, Aged 45 years, R/o Ankampalem village, Atreyapuram Mandal, East Godavari district.  
(R51&54 are added as per LR R23 as per order in IA No 114/03 dt 24-08-2004)
55. Smt. T. Vijaya Laxmi, W/o T. Sudhakar Lala, Aged 50 years, R/o Governorpeta, Vijayawada.  
(Impleaded as per order in IA No.966/03 dt 18-08-2004)
56. Smt. V.Rama Devi, W/o Padma Mohan Rao, Aged 64 years, Sreenagarcolony, Hyderabad.  
(Impleaded as per order in IA No.966/03 dt 18-08-2004)
57. V. Basavaiah Chowdhary, aged 60 years, R/o 62-2-25, Patamatalanka, Vijayawada.
58. K. Krishna Rao, aged 57 years, R/o 38, Mosamarg, Siddharth Nagar, Mysore 470 011, State of Karnataka.
59. C. Chandrasekhar Rao, aged 55 years, R/o 102, Parklane Apartments, 13, Eagle street, Langford town, Bangalore, State of Karnataka.
60. V. Madhusudhan Rao, aged 53 years, R/o Plot No.22, Navodaya colony, Yellareddyguda, Srinagar colony post, Hyderabad.  
(R57 to 60 are impleaded as per order in IA No1449/04 dt 18-08-2004)

61. Polu Satyanarayana, S/o late Polu Ramanayya, Aged 70 years,  
Rtd. Govt. Servant, R/o Street No.1, Kakatiyanagar, Habsiguda, Hyderabad.  
(impleaded as per order in IA No.949/05 dt 29-11-2005)
62. Atluri Lakshmi Tulsamma, W/o Satyanarayana, Aged 92 years,  
R/o Kudarvalli (V), Gudiwada Tq. Krishna Dist.  
(impleaded as per order in IA No.950/05 dt 29-11-2005)
63. Dasari Srinivasa Rao, S/o late Dasari Venkateshwar Rao,  
Aged 54 years,  
(impleaded as per order in IA No.951/05 dt 29-11-2005)
64. Dasari Bhavani, W/o Dasari Srinivasa Rao Aged 52 years,  
(impleaded as per order in IA No.951/05 dt 29-11-2005)
65. Dasari Hari, S/o Dasari Srinivasa Rao, aged 35 years,  
(impleaded as per order in IA No.951/05 dt 29-11-2005)
66. Dasari Rama Krishna, S/o Dasari Srinivasa Rao, Aged 30 years,  
(impleaded as per order in IA No.951/05 dt 29-11-2005)
67. Dasari Satyanarayana, S/o late Dasari Venkateshwara Rao, Aged 52 years,  
(impleaded as per order in IA No.951/05 dt 29-11-2005)
68. Dasari Yeshodara, W/o Dasari Satyanarayana, Aged 47 years.  
(impleaded as per order in IA No.951/05 dt 29-11-2005)
69. Dasari Hema, D/o Dasari Satyanarayana, Aged 24 years, Occ: student  
(impleaded as per order in IA No.951/05 dt 29-11-2005)
70. Dasari Haresh, S/o Dasari Satyanarayana, Aged 21 years,  
(impleaded as per order in IA No.951/05 dt 29-11-2005)
71. Smt. S. Vimala, W/o S.V. Parthasarathi Rao,  
Aged 60 years, occ: housewife, R/o 3-76, Habsiguda,  
Hyderabad, rep. by her GPA holder S.V. Parthasarathi Rao,  
S/o late S. Nagaiah, R/o Habsiguda, Hyderabad.  
(impleaded as per order in IA No.954/05 dt 29-11-2005)
72. S. Venkata Sudheer, S/o S.V. Parthasarathi Rao, Aged 42 years, R/o 3-76,  
Habsiguda, Hyderabad  
(impleaded as per order in IA No.954/05 dt 29-11-2005)

73. Seva Trust, rep. by its Chairman, S/o late Nagaiah, Aged 65 years,  
Occ; Industrialist, R/o 3-76, Habsiguda, Hyderabad.  
(impleaded as per order in IA No.954/05 dt 29-11-2005)

74. Smt. S. Sarayu, D/o S.V. Parthasarathi Rao, Aged 38 years,  
R/o 3-76, Habsiguda, Hyderabad,  
Rep. by her GPA Holder S.V. Parthasarathi Rao, S/o late S. Nagaiah,  
R/o Habsiguda, Hyderabad.  
(impleaded as per order in IA No.954/05 dt 29-11-2005)

75. Smt. S. Sireesha Padma, D/o S.V. Parthasarathi Rao,  
Aged 34 years, R/o 3-76, Habsiguda, Hyderabad.

76. B. Narender Reddy, S/o B. Narsimha Reddy,  
Aged 50 years, R/o Subashnagar, Nizamabad.

77. B. Veerender Reddy, S/o B. Narsimha Reddy,  
Aged 48 years, R/o Subashnagar, Nizamabad.

78. B. Surender Reddy, S/o B. Narsimha Reddy,  
R/o Subashnagar, Nizamabad.

79. Syed Mohd. Mohammadul Hussain,  
S/o Syed yousuf Mohammadul Hussasini,  
Aged 60 years, R/o Nisam colony, Tolichowki, Hyderabad.

80. Syed Askarullah Hussain, S/o Syed yousuf Mohammadul  
Hussaini, Aged 57 years, R/o.Riyasat Nagar, Hyderabad

81. Syed Moinuddin Hussain, S/o Syed yousuf Mohammadul  
Hussaini, Aged 53 years, R/o Jahanuma, Hyderabad.

82. Syed Yodullah Hussain, S/o Syed Yousuf Mohammadul Hussaini,  
Aged 52 years, R/o 2-21069, Khadri Bagh, Amberpet, Hyderabad.

83. Syed Astul Aysha, W/o Syed Ahmadulla Hussasini,  
Aged 62 years, R/o Golconda Khilla, Hyderabad.

84. Syed Shah Hussain Khadri, S/o late Syeda Amtul Butool,  
Aged 26 years, R/o Nizam colony, Tolichowki, Hyderabad.  
Respondents No.79 to 84 are rep by their GPA Holders

Syed Nadoomulla Hussaini, S/o Late Syed Yousuf Mohd.  
Mohammadula Hussaini R/o Hyderabad. AP

85. Syed Madoomullah Hussain, S/o Syed Yousuf Mohammadul Hussaini,  
Aged 65 years, R/o 81-1-346/1/A/A2, Brindavan Colony, Tolichowki, Hyderabad.

86. Dr. Syed Asadullah Hussain, S/o Syed Yousuf  
Mohammadul Hussaini, R/o 9-4-86/254/1, Kashan-e Syed,  
Salarjung colony, Hyderabad.  
(impleaded as per order in IA No.193/06 dt 23-08-2006)

87. Valluru Sandya Rani, W/o late Krishna Rao, Aged 54 years,  
R/o 38, Mokesh Marga Sidhardhanagar, Mysore

88. Valluru Krishna Sarosh, S/o late Krishna Rao, Aged 24 years,  
R/o 38, Mokesh Marga Sidhardhanagar, Mysore

89. Valluru Swathi Priyanka, D/o late Krishna Rao, Aged 22 years,  
R/o 38, Mokesh Marga Sidhardhanagar, Mysore  
(R87 to 89 are impleaded as Lrs of R58 as per order in IA No.761/06 dt 23-08-2006)

90. Atluri Bhaskara Rao, S/o Satyanarayana, Aged 68 years,  
R/o Kudaravalli (V), Gudiwada Tq. Krishna Dist.

91. Smt. K. Laxmi Sarojini, W/o Mangapathi Rao, Aged 75 years,  
R/o 12-1-509, Flat No.103-A, Sri Keerthi Towers,  
Near Lalapet Flyover, Lalapet, Secuderabad.

92. B. Balaram, S/o Narsimha, aged 54 years, R/o 1-136,  
Habsiguda, Hyderabad.

93. B. Krishna, S/o Narsimha, aged 48 years,  
R/o 1-136, Habsiguda, Hyderabad.

94. B. Narsing Rao, S/o Narsimha, aged 44 years,  
R/o 1-136, Habsiguda, Hyderabad.

95. B.Mahender, S/o Narsimha, aged 42 years,  
R/o 1-136, Habsiguda, Hyderabad.

96. B. Madhusudhan, S/o Narsimha, aged 38 years,  
R/o 1-136, Habsiguda, Hyderabad.

97. B. Venkatesh, S/o Narsimha, aged 32 years,  
R/o 1-136, Habsiguda, Hyderabad.  
(R 91 to 97 are impleaded as Lrs of R27 as per order in IA No.495/07 dt. 05-12-2007)

98. G. Vishwanatham, S/o Srirama Murthy, R/o Habsiguda, Hyderabad.

99. G. Suryanarayana, S/o Srirama Murthy, R/o Habsiguda, Hyderabad.

100. Kumpatla Kamala Priya, W/o K. Venkata Govinda Rao, Aged 59 years,  
occ: housewife, R/o Flat No.301, Sai Srinivasa Residency, Road No.8,  
Bandari layout, Nizampet, R.R. Dist.

101. Kamalesh Pinishetti, S/o late P. Lakshmana Rao,  
Aged 50 years, Occ: Private service, R/o Flat No.301, Sai Srinivasa Residency,  
Road No.8, Bandari layout, Nizampet, R.R. Dist.

102. P. Rajesh, S/o late P. lakshmana Rao, Aged 48 years,  
Occ: private service, R/o Flat No.301, Sai Srinivasa Residency,  
Road No.8, Bandari layout, Nizampet, R.R. Dist.

103. Smt. Abeda Begum, W/o Mohd. Imtiazuddin Siddiqui, Aged Major,

104. Md. Intequabuddin Siddiqui (died) per LRs R122 to R128

105. Mohd. Ferozuddin Siddiqui, S/o Mohd. Imtiazuddin Siddiqui, Aged Major

106. Md. Ethemaduddin Siddiqui, S/o Mohd. Imtiazuddin Siddiqui, Aged Major

107. Kaneez Zehra, D/o Mohd. Imtiazuddin Siddiqui, Aged Major

108. Viqar Unnisa Begum, D'o Mohd. Imtiazuddin Siddiqui, Aged Major

109. Hoor Khan, D/o Mohd. Imtiazuddin Siddiqui, Aged Major

110. Firdous, D/o Mohd. Imtiazuddin Siddiqui, Aged Major

111. Arshiya Siddiqui, D/o Mohd. Imtiazuddin Siddiqui, Aged Major

Respondents 103 to 111 are R/o 3-4-864, Barkatpura, Hyderabad - LRs of 33

112. Badar Sultana, W/o Mohd. Ethashamuddin Siddiqui, Aged Major

113. Samsamuddin Mohammed, S/o Mohd. Ethashamuddin Siddiqui, Aged Major

114. Mohd. Baqtiauddin Siddiqui Parvez, S/o Mohd. Ethashamuddin Siddiqui,  
Aged Major

115. Mohd. Arifuddin, S/o Mohd. Ethashamuddin Siddiqui, Aged Major

116. Mohd. Irshaduddin Siddiqui, S/o Mohd. Ethashamuddin Siddiqui, Aged Major

117. Kausar Siddiqua, D/o Mohd. Ethashamuddin Siddiqui, Aged Major

118. Ayasha Siddiqua, D/o Mohd. Ethashamuddin Siddiqui, Aged Major  
Respondents 112 to 118 are R/o 3-4-864, Barkatpura, Hyderabad- LR's of 34

119. Syed Mohammed Hussaini Baghdadi, S/o Smt. Muneerunnisa  
Begum, Aged Major

120. Syed Mehmood Hussaini Baghdadi, S/o Smt. Muneerunnisa Begum, Aged Major

121. Syed Ahmed Hussaini Baghdadi, S/o Smt. Muneerunnisa Begum, Aged Major,

Respondents 119 to 121 are R/o 16-8-252, Kaladera, Malakpet, Hyderabad – LR's of 39  
(Respondents No. 103 to 121 are impleaded as LR's of R33,34 & 39)

122. Smt. Arjuman Taj, W/o. Late Md. Intequabuddin Siddiqui,  
Aged 50 years, Occ: Housewife

123. Shahwar Siddiqui, D/o. Late Md. Intequabuddin Siddiqui,  
Aged 30 years, Occ: Housewife.

124. Mohd. Muntaquib Siddiqui, S/o. Late Md. Intequabuddin Siddiqui,  
Aged 27 years, Occ: Service.

125. Shafla Siddiqui, D/o. Late Md. Intequabuddin Siddiqui, Aged 25 years,  
Occ: Student.

126. Noorjehan Begum, W/o. Late Md. Intequabuddin Siddiqui, Aged 50 years,  
Occ: Housewife.

127. Mohd. Iqtedaruddin Siddiqui, S/o. Late Md. Intequabuddin Siddiqui, Aged 26 years,  
Occ: Student

128 Safoora Siddiqui, D/o. Late Md. Intequabuddin Siddiqui, Aged 25 years,  
Occ:Housewife.

(R-122 to R-128 are R/o.3-4-864, Barkatpura, Hyderabad)  
(R 122 to 128 are impleaded as Lrs of R104)

129.T.V.Sundaravalli, W/o.Late Sriram, Aged 69 years, Occ:Housewife,  
R/o.Ashoknagar, Hyderabad.

130. Vyjanyanthimala, W/o.V.V.R.Sesharatnam,  
Aged 65 years, Occ:Housewife, R/o.Hyderabad.

131.V.Sujatha, W/o.Dr.V.Madhav, Aged about 58 years,  
Occ:Housewife, R/o.Hyderabad.

132.K.Rajani Rani, W/o.K.V.Krishna Kumar, Aged about 56 years,  
Occ:Housewife, R/o.Hyderabad.

133.K.Srinivas, S/o.K.Ranganadha Chary, Aged about 51 years,  
Occ:Pvt. Service, R/o.Hyderabad.  
(R-48 (died) per LR's of R-129 to 133)

134. Sri Chadrakat Todewala, S/o.Late Vittla Rao Todewale, R/o.Flat No.302,  
Sai Andita Enclave, Kutbiguda, Hyderabad  
(R134 impleaded as LR of R31 as per order )

135. Sri Khaja Mohammed Shujath Ali Khan @ Syed Khaled Shah Chishti  
Hussaini, S/o.Syed Shah Hussaini Pasha @ Khaja Mohammed Waheed Ali Khan

136. Khaja Mohammed Shafath Ali Khan @ Syed Shah Hamed Ali Kha,  
S/o.Syed Shah Hussaii Pasha @ Khaja Mohammed Waheed Ali Khan

137. Rizwana Begum, W/o.Syed Naseeruddin

138. Imrana Begum, W/o.Syed Ibrahim

139. Moina Begum, W/o.Mohsin (Lrs of Defendant No.1)  
Respondents No.135 to 139 are R/o.H.No.A/52, Old Dairy Farm, Osmania University  
Campus,  
Tarnaka, Hyderabad 7  
(R135 to R139 are impleaded as LR's of R1 as per orders in IA No.620 of 2023)

dt. 16.10.2023)

140. Lakkula Srinivas Yadav, S/o.Late Swamy Yadav, Aged about 53 years,  
Occ:Business, H.No.1-1-96/1, Plot o.137, Sy.No.10/2, Habsiguda Village,  
Ranga Reddy District  
(impleaded as per the orders in IA No.1441 of 2023  
dated 16.12.2023)

141. M.Bhagesh, S/o.Late M.Viswanadham, Aged about 58 years,  
Occ:Business

142. M.Srinivas, S/o.Late M.Viswanadham, Aged about 55 years,  
Occ:Business

143. J.Narsimha, S/o.Late M.Sathaiah, Aged about 59 years,  
Occ:Business, All are R/o.H.o.1-95/1 on Plot 103, Sy.no.10/2.  
Habsiguda village, Ranga Reddy District  
( Respondents No.141 to 143 are impleaded as per the orders in IA No.1442 of 2023  
dt.16.12.2023)

144. V.Ramalingam, S/o.R.Venkatappa, Aged about 66 years, Occ:Pensioner (Rt.Postal  
department) H.No.1-1-95, Habsiguda village, Ranga Reddy District,  
(Impleaded as per the orders in IA No.1443 of 2023 dt. 16.12.2023)

...Respondents/defendants

**Advocates for the parties:**

|                                                    |                                                                                                           |
|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Learned Advocate General for<br>Sri N.Mukund Reddy | Government Pleader for the Applicant                                                                      |
| Sri K.Ranga Reddy                                  | Advocate for the respondent No.1                                                                          |
| Sri P.Raghuram, Senior<br>Counsel for Sri P.Sriram | Advocate for the respondent No.26                                                                         |
| Sri P.Chandra Reddy                                | Advocate for respondents Nos. 24, 48, 50, 61, 76 to<br>78, 90, 92 to 97                                   |
| Sri Srinivas                                       | Advocate for respondents Nos.36, 37, 38, 103, 105,<br>106, 107 to 111 & 122 to 128, 112, 115, 116 and 118 |
| Sri P.Mohan Rao                                    | Advocate for respondents Nos.13, 18, 24, 50                                                               |
| Sri K.Ramachandra Reddy                            | Advocate for respondents Nos.135 to 139                                                                   |
| Sri J.Farooqui                                     | Advocate for respondents Nos. 129 and 134                                                                 |

|                                                             |                                                                                                      |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Sri G.L.V.Ramana Murthy                                     | Advocate for respondents Nos.79 to 82, 85 and 86                                                     |
| Sri M.V.Durga Prasad, Senior Counsel for Sri R.Srinivas Rao | Advocate for the respondents Nos.43, 44, 51 and 52                                                   |
| Sri B.Ravi Shankar                                          | Advocate for respondent No.46                                                                        |
| Sri M.Narsimha Reddy                                        | Advocate for respondents No.57 and 59                                                                |
| Sri L.Sudhakar Reddy                                        | Advocate for respondents No. 4, 6, 7, 9, 10, 12, 14 to 17, 20 to 22, 25, 28 to 30, 32, 62, 64 and 91 |
| Sri K.Ranganadha Chary                                      | Advocate for respondents No.19, 48 and 49                                                            |
| Sri Vittal Rao                                              | Advocate for respondents No.31 and 45                                                                |
| Sri S.Balchand                                              | Advocate for the respondent No.35                                                                    |
| Sri G.Krishna Murthy                                        | Advocate for the respondents No.53 and 54                                                            |
| Sri C.R.Pratap Reddy                                        | Advocate for the respondent No.47                                                                    |
| Sri P.Chandra Shekar                                        | Advocate for the respondent No.61                                                                    |
| Sri M.Srinivas Rao                                          | Advocate for respondents No. 63 to 70                                                                |
| Sri Venkata Raghu Ramulu                                    | Advocate for respondents No.71 to 75                                                                 |
| Sri T.N.M.Ranga Rao                                         | Advocate for respondents No.87 to 89                                                                 |
| Sri P.Ramchander Rao                                        | Advocate for respondent No.2                                                                         |
| Sri Y.V.Narayana                                            | Advocate for respondent No.3                                                                         |
| Sri Y.Krishna Reddy                                         | Advocate for respondent No.23                                                                        |
| Sri M.A.Rasheed                                             | Advocate for respondents No.33 and 34                                                                |
| Sri Mohd. Ghulam Rasool                                     | Advocate for respondents Nos. 79 to 86                                                               |
| Sri Indrasena Reddy                                         | Advocate for respondent No.60                                                                        |
| Sri M.Kiran Kumar                                           | Advocate for respondent No.58                                                                        |
| Sri M.Arjun Reddy                                           | Advocate for respondents No.140 to 144                                                               |

**LGOP No.11 of 2022:****Between:**

Osmania University, Hyderabad, a University established by Charter of HEH Nizam of Hyderabad and constituted under Osmania University Act (Act 8 of 1959) and Reconstituted under Andhra Pradesh Universities Act (Act 4 of 1991) Rep. by its Registrar, Professor M.Bhagwanth Rao, S/o.M.Laxman Rao, R/o.Osmania University Campus, Hyderabad 500 007

.... Applicant

and

1.S.V. Parthasarathi Rao, S/o.Not known, Major, R/o.Habsiguda, H.No.3-76, Street No.6, Habsiguda, Ranga Reddy District

2. Smt.S.Vimala, W/o.S.V.Parthasarathi Rao, Aged about 52 years, H.No.3-76, Street No.6, Habsiguda, Ranga Reddy District Ranga Reddy District

3. K.Pandubabu, S/o.K.V.S.Naidu, Major, H.No.1-90/6, R/o.Habsiguda, Ranga Reddy District

4. The District Collector, Ranga Reddy District, Khairatabad, Hyderabad

5. S.Venkata Sudheer, S/o.S.V.Parthasarathi Rao, Aged years, Occ:Industrialist, R/o.3-76, Habsiguda, Hyderabad

6. Smt. Sarayu, D/o.S.V.Parthasarathi Rao, Aged years, Occ:Engineer, Residing at 3-76, Habsiguda, Hyderabad, Rep. by her GPA holder, Sri SV Parthasarathi Rao, S/o.Late S.Nagaiah, R/o.3-76, Habsiguda, Hyderabad

7.S.Sireesha Padma, D/o.S.V.Parthasarathi Rao, Age years, Occ:Housewife, R/o.3-76, Habsiguda, Hyderabad

8. Seva Trust, Rep. by its Chairman,Sri S.V.Parthasarathi Rao, S/o.Late S.Nagaiah, Age years, Occ:Industrialist, R/o.3-76, Habsiguda, Hyderabad

**(R5 to 8 were impleaded as per orders in IANo.956 of 2005 dt. 29.11.2005)**

...Respondents

**Advocates for the parties:**

|                         |                                       |
|-------------------------|---------------------------------------|
| Sri A.Narsimha Reddy    | Advocate for applicant                |
| Sri Venkata Raghuramulu | Advocate for respondents No.1, 5 to 8 |
| Sri E.S.Kumar           | Advocate for respondent No.2          |
| Sri L.Sudhakar Reddy    | Advocate for respondent No.3          |
| Government Pleader      | For respondent No.4                   |

**COMMON ORDER****Pleadings in LGOP No.08 of 2022:**

1. This case has a chequered history. The applicant, originally, filed the suit being O.S.No.36 of 1986 on the file of the Court of Principal Subordinate Judge, Ranga Reddy District at Saroornagar for declaration of title and for injunction and later, the same was transferred to the Court of II Addl. Subordinate Judge, Ranga Reddy District at Saroornagar. Later, on constitution of a Special Court under Section 7 of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (for short, 'the Act') and on the application being I.A.No.916 of 1998 filed by the applicant under Section 7-A read with Section 8 of the Act, the Court of II Addl. Subordinate Judge, Ranga Reddy District, vide order dated 11.02.1998, transferred the said suit, at the stage of trial, to the Special Court and there it was registered as LGC No.40 of 2003. The Government of Telangana vide G.O.Ms.No.113, Revenue (Land Matters) Department dated 01.06.2016 made an order called "the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (AP Act 12/1982) Repeal Order, 2016" repealing the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 in its application to the State of Telangana with immediate effect. It was ordered that all cases of post cognizance pending before the Special Court and Special Tribunals shall stand transferred to the Courts of Chief Judge, City Civil Court, Hyderabad or Principal District Judges of the respective Districts and the said cases shall be tried and disposed of as LGOP in terms of AP Act No.12/1982. In pursuance of the said order, the case in LGC No.40 of 2003 was transferred to the Court of Principal District Judge, Ranga Reddy District at LB Nagar at the stage of arguments

and there it was registered as LGOP No.1156 of 2016. Later, on creation of new judicial districts, the said LGOP No.1156 of 2016 was transferred to this Court on the point of territorial jurisdiction and the same was re-registered as LGOP No.08 of 2022 on the file of this Court.

2. Undisputed facts are: Osmania University i.e., the defendant No.35 herein, filed a suit being O.S.No.01 of 1958 (Old OS No.01 of 1956) against one Habeebuddin for recovery of possession of items No.1, 2 and 4 of the suit schedule properties of this suit and the Court of II Additional Judge, City Civil Court, Hyderabad vide Judgment dated 30.01.1959 (Ex.B6/Ex.B50/Ex.B83) dismissed the said suit answering all the issues against the plaintiff therein (Osmania University). Against the said judgment, the Osmania University (defendant No.35 herein) filed an appeal being CCCA No.61 of 1959 before the Hon'ble High Court of Andhra Pradesh. The Hon'ble High Court vide judgment and decree dated 24.01.1964 (Ex.B51 and Ex.B52) dismissed the said appeal. Thereafter, the Tahsildar, Hyderabad, East Taluq vide notice (Ex.B21) in File No. F3/36910/64 dated 08.12.1964 issued under Section 7 of the Madras Land Encroachment Act, required Habeebuddin to show cause why he should not be evicted from Plot Nos.104, 94 and 111, totally admeasuring Ac.46.27 guntas. Against the order of eviction, Habeebuddin filed an appeal before the Sub-Collector of Hyderabad, East Division, but, the same was dismissed vide order dated 19.01.1965. Against the said order of Sub-Collector, Habeebuddin filed a revision petition before the Joint Collector, Hyderabad East, but, the same was also dismissed on 06.12.1966. Habeebuddin filed further revision petition before the Government. But, the Government also dismissed the

said revision. Some of the purchasers i.e., V.Keshava Rao (defendant No.5) and T.Krishna Rao (defendant No.3) filed W.P.No. 1539 of 1974 challenging the order of eviction. The Hon'ble High Court (single judge) vide order dated 18.11.1975 dismissed the said writ petitions, against which, the writ petitioners writ appeals i.e., T.Krishna Rao filed appeal being W.A.No.905 of 1975 and V.Keshava Rao filed appeal being W.A No. 922 of 1975, and the Hon'ble High Court (Division Bench) vide judgment dated 30.06.1977 (Ex.B88/Ex.B54) allowed the said writ appeals and also W.P.No.796 of 1975 filed by Bandi Venkata Rama Rao and Bandi Aditya Prasad (defendant No.32) setting aside the order dated 18.11.1975 passed by the single Judge. Against the said judgment of the Hon'ble High Court, the Government filed appeals being Civil Appeal Nos.2031 of 1977, 136 of 1978 and 137 of 1978 before the Hon'ble Supreme Court. The Hon'ble Supreme Court by judgment dated 16.03.1982 (Ex.B55) dismissed the said appeals confirming the order of the Hon'ble High Court.

3. Since the proceedings were commenced in the nature of original suit vide O.S.No.36 of 1986, it is necessary to notice the pleadings of the said suit by describing the parties as 'the plaintiff' and 'the defendants'.

4. The description of the suit schedule property is as under:

I. Plot No.104: Admeasuring 9 acre 33 guntas bearing old Sy.No.11 corresponding to new Sy.No.10/1 situated at Habsiguda, Uppal Mandal, Ranga Reddy District, bounded by:

North: Govt. land Sy.No.226 of Lallaguda(V)

South: Govt. land of Plot No.110

East: Govt. land of Plot No.110

West: Road leading Hyderabad to Moula Ali

II. Plot No.94: Admeasuring 10 acres 20 guntas bearing old Sy.No.11 corresponding to new Sy.No.10/1 and 10/2 situated at Bandlaguda village, Uppal Mandal, Ranga Reddy District, bounded by:

- i) Sy.No.10/1 North: Plot No.110  
6 acres South: Plot No.111  
14 guntas East: Plot No.94(Sy.No.10/2)  
West: Plot No.94(remaining area of Sy.No.10/1)
- ii) Sy.No.10/2 North: North-east corner of plot No.110(exchanged area)  
4 acres South: Plot No.111  
6 guntas East: Land of others (Aziz Yar Jung)  
West: Plot No.94(remaining area of 10/1)

III. Plot No.110: Admeasuring 9 acre 33 guntas situated at Habsiguda(V), Uppal Mandal, Ranga Reddy District, bearing Sy.No.10/2 Old Sy.No.11 bounded by:

North: Public road leading Tarnaka to Uppal  
and Sy.No.171/2of Lallaguda  
South: Plot No.94(remaining area of Sy.No.10/2)  
East: Land of others (Aziz --Jung)  
West: Plot No.110 Sy.No.10/1

IV. Plot No.111: Old Sy.Nos.1,3,4,5,6,7, 8, 9, 10 corresponding to new Sy.No. 1/p, 2/p, 3, 4, 5, 6, 7, 8 & 9 admeasuring 26 acres 14 guntas situated at Habsiguda(V), Uppal Mandal, Ranga Reddy District, bounded by:

North: Plot No.94 (Sy.Nos.10/1 & 10/2)  
South: Plot No.111 government lands  
East: Plot No.111 government lands  
West: Plot No.04 (Sy.No.10/1)

5. The reliefs sought in the suit are as under:

- i. To declare that the title of the plaintiff for the plaint schedule properties as the owner.
- ii. For a permanent injunction to restrain the defendants from interfering with plaintiff's possession and enjoyment of the suit properties.
- iii. Alternatively, it is also prayed that if the Hon'ble Court were to hold that the plaintiff is not in possession of any or all of the lands, grant a decree also for possession of such lands which were found to be not in possession of the plaintiff.

iv. For cost and such other reliefs as Hon'ble Court deems fit and proper in the circumstances of the case.

6. The averments made in the plaint, in brief, are:

(a) The land in old Sy.No.11 and corresponding new Sy.Nos. 10/1 and 10/2, comprising 301 Acres, situated at Habsiguda village, Uppal Mandal, Ranga Reddy District was originally belonged to one Zainuddin Makhtedar. The land in old Survey Nos. 1 to 10 and 16 to 27 corresponding to new Sy.Nos. 1, 92, 2, 3, 4, 5, 6, 7, 8, 9, 40/1, 40/2, 40/3, 40/4, 40/5, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52 comprising Acres 94.17 guntas was owned by Nawab Manzoor Jung Bahadur and his son Baber Mirza.

(b) The above lands were acquired by the erstwhile Nizam Government from the previous owners Zainuddin Makhtedar, Nawab Manzoor Jung Bahadur and Baber Mirza under the provisions of the Land Acquisition Act, (Hyderabad Act of 1309 Fasli) for the purpose of constructing a University at Adikmet, which is now functioning as Osmania University. For the purpose of acquiring the said lands, the then Government of Nizam issued a notification dated 25.04.1341 Fasli under Sections 3 and 5 of the Land Acquisition Act, which was published in the Gazette dated 13.05.1341 Fasli. In the year 1330 Fasli, an Award was passed and Zainuddin Makhtedar was awarded Rs.15,685/- as compensation for the lands acquired including the buildings and garden. But, the proposals for building the University were shelved for five years and in the meanwhile, the Government wanted that Zainuddin should give back the compensation amount awarded to him. But, Zainuddin represented that he is not in a position to

refund the compensation amount, but, he is prepared to give some land equal to the value of the amount given to him towards the compensation. The said request of Zainuddin was referred to the Collector to fix up the rate of the land and the extent which would cover the land sought to be acquired by the Government. The Collector fixed a sum of Rs.109 per acre and issued proceedings for acquiring 144 acres of land carved out of old Sy.No.11. The Government took possession of 144 acres of land in old Sy.No.11 corresponding to new Sy.Nos. 10/1 and 10/2 out of 301 acres in Habsiguda village. Thereafter, the Government selected a composite site for the Osmania University campus spread over in five villages, namely, Lalaguda, Habsiguda, Amberpet, Ramanthapur and Jamistanpur and a notification was accordingly issued on 25.04.1341 Fasli and published in the Gazette on 13.05.1341 Fasli. Boundaries were also fixed with the letter "OUB" fixing the boundaries of the University area. Thereafter, the land was divided into a number of plots for the sake of convenience and the land that was acquired from Zainuddin was given plot No.110. The land of Ac.146.08 guntas acquired from Zainuddin was given plot No.84, Ac.10.15 guntas was given plot No.104 and Ac.94.17 guntas acquired from Manzoor Jung Bahadur and his son Baber Mirza was given plot No.111. After giving the plot numbers, the Collector made an Award on 15.01.1342 Fasli for plot Nos. 94 and 104 fixing the compensation of Rs.35,000/- for plot No.94 including the garden, building, etc. However, in respect of plot No.104, Syed Zainuddin entered into an agreement with the Government that excepting the land covered by a Mosque (22 guntas) he would give up the land of Plot No.104, admeasuring Ac.9.33 guntas situated behind the Mosque subject to the

condition that an equal extent of land might be given to him at the corner of north-east of plot No.110 excluding the amount of compensation towards trees, wells, mulgies, etc. In pursuance of the said agreement, the government gave Ac.9.33 guntas of land at the north-east corner of plot No.110 towards the compensation, and for the mulgies, trees, well, etc., a sum of Rs.3,194/- was given towards compensation. Thus, the erstwhile Government of Nizam became the owner of Ac.290.07 guntas in old Sy.No.11 by virtue of acquisition proceedings under the Land Acquisition Act and later, the Government of Andhra Pradesh became the owner of the said land after the merger of the Government of Nizam in the Indian Union.

(c) Likewise, the Nizam Government acquired Ac.94.17 guntas in Plot No.111 from its previous owner Manzoor Jung Bahadur and this plot was situated in several survey numbers in the names of Saleha Begum, Ahmedi Begum and Baber Mirza, mother, wife and son respectively of Manzoor Jung Bahadur. The Collector passed an award fixing the compensation for the land acquired from Manzoor Jung Bahadur. But, Manzoor Jung Bahadur did not accept the compensation. Later, the Government gave compensation of Rs.78,482/- for Ac.88.13 guntas with the consent of Manzoor Jung Bahadur towards compensation. This was paid on 13.04.1347 Fasli and the Government took possession of the land on 15.05.1347 Fasli. The remaining area in plot No.111 i.e., Ac.6.25 guntas was acquired from Babar Mirza son of Manzoor Jung Bahadur and a total compensation of Rs.89,083/- was paid to Babar Mirza. Thus, the Nizam Government acquired Ac.94.17 guntas in plot No.11 consisting old Sy.Nos. 1 to 10 and 16 to 27 corresponding to new Sy.Nos. 1, 92, 2, 3, 4, 5, 6, 7, 8, 9, 40/1, 40/2, 40/3, 40/4,

40/5, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52 from its previous owner Manzoor Jung Bahadur and Babar Mirza. The Government took possession of said land under a panchanama and a map was also drawn on 15.05.1347 Fasli.

(d) In 1350 Fasli, the Government wanted to make use of some dilapidated buildings situated on the boundary of Sy.No.9 of Manzoor Jung known as Chinna Moula Ali Dargah for the use of students as Mosque. When the construction was in progress, one Habeebuddin, husband of the defendant No.1, who was then working as Assistant Care Taker of Osmania University parks and who was residing in the government's quarter near Chinna Moulali Dargah, interfered and started demolition of construction and so, he was dismissed from service on 07.12.1350 Fasli. Subsequently, he made a claim for some of the land acquired by the Government on the ground that he was the cousin of Zainuddin and for that purpose, he relied upon the agreement entered by Zainuddin with the Government. But, the claim put forth by Habeebuddin for Ac.10.00 in plot No.94 was without any right or title as the agreement was related only to plot No.104. Then, Osmania University filed a suit being O.S.No.01 of 1956 in the City Civil Court, Hyderabad against the said Habeebuddin for recovery of possession of Ac. 46.07 guntas situated in plot Nos.94, 104 and 111, but, the said suit was dismissed by the Court against which, Osmania University filed an appeal being CCCA No.61 of 1959 which was also dismissed on 24.01.1964 by the Hon'ble High Court. Later, the government issued a notice under Section 7 of the Land Encroachment Act on 16.12.1964 and followed by a notice under Section 6 of the Land Encroachment Act for eviction of Habeebuddin from the lands occupied by him in plot Nos.94, 104 and 111.

Habeebuddin filed an appeal before the Sub-Collector of Hyderabad, East Division against the order of eviction and the same was dismissed on 19.01.1965. Against the said order of Sub-Collector, Habeebuddin filed a revision petition before the Joint Collector, Hyderabad East and the same was also dismissed on 06.12.1966. He filed a further revision petition before the government on 05.09.1967 and the said revision was also dismissed. Some of the purchasers of a portion of land from Habeebuddin and his heirs i.e., the defendant No.1 herein, filed a revision petition before the Government. But, the Government vide order dated 26.11.1973 dismissed the said revision. So, Habeebuddin was evicted on 03.06.1967 and the possession of the lands was taken by the plaintiff.

(e) After dismissal of revision petition by the Government on 26.11.1973, some of the purchasers, who are the defendants in the suit, filed writ petitions being WP No.1539 of 1974 and W.P.No.798 of 1975 before the Hon'ble High Court challenging the eviction proceedings. The Hon'ble High Court (single judge) vide order dated 18.11.1975 dismissed the said writ petitions, against which, the writ petitioners filed writ appeals being W.A.No.905 of 1975 and W.A.No.922 of 1975 which were allowed by the Hon'ble High Court (division bench) on 30.06.1977. Against the said order of the Hon'ble High Court, the Government went in appeal by filing Civil Appeal Nos. 2031 of 1977, 136 of 1978 and 137 of 1978 before the Hon'ble Supreme Court and the Hon'ble Supreme Court vide Judgment dated 16.03.1982 dismissed the said appeals holding that the question whether the property in dispute came to be vested in Government by virtue of acquisition proceedings, whether there was encroachment upon

the property must be established by the Government in a properly instituted suit. The Hon'ble Supreme Court made an observation that the Government may succeed in establishing its title to the property, but until that was done, the respondents could not be evicted summarily.

(f) The plaintiff is the owner of the suit schedule properties having acquired the same under the provisions of the Land Acquisition Act from its previous owners as back as in 1336 Fasli. Habeebuddin, who encroached upon the lands in plot Nos.94, 104 and 111, had absolutely no manner of right, title and interest. He was only a meddlesome interloper. The trespasser's possession, however, long will not affect the rights of real owner and it is open to the real owner always to take possession by evicting the trespasser and establish its title. As held by the Hon'ble Supreme Court, whatever be the finding recorded in the suit filed by Osmania University against Habeebuddin and whatever may be the dispute between the Osmania University and Habeebuddin, it is open to the Government to establish its title in a properly instituted suit. Therefore, the plaintiff had to file this suit for declaration of title and injunction.

(g) Habeebuddin had sold Ac.12.32 guntas to Nagabhushnam and Ravi Subba Rao in Sy.No.10/2 in 1965. Likewise, he has sold Ac.17.24 guntas to Tummala Krishna Rao and others in Sy.Nos.7, 8, 9 and 10/1 on 19.12.1967. Habeebuddin died on 30.12.1967 and the defendant No.1 is his wife. So also, Nagabhushnam and Ravi Subba Rao died. The defendant No.2 is wife of Ravi Subba Rao. The defendant No.31 claims to have purchased 500 Sq.yards from late Habeebuddin in 1963. The defendants No.6 to 30 claim to have purchased plots from Nagabhushnam and Ravi Subba Rao

through different sale deeds. Since Habeebuddin himself was not having any manner of right, title or interest over the lands, the subsequent purchasers would not acquire any better title than what Habeebuddin had. But, some of the defendants are trying to enter upon the suit lands and make construction by raising structures, grape gardens, etc. So, the plaintiff is to be declared as owner of the suit schedule properties and the defendants are to be restrained from interfering with the possession and enjoyment of the plaintiff over the suit schedule properties by way of permanent injunction.

7. The defendant No.1 filed written statement specifically denying the case of the plaintiff. It is stated by her that she is not the wife of Habeebuddin as alleged by the plaintiff and that she is the real sister and sole legal representative of Habeebuddin and that Habeebuddin, during his lifetime, on 18.07.1964, has gifted all the properties including houses covered by Sy.No.10/1 of Habsiguda village in her favour and she has accepted the said gift and took delivery of possession of said property and ever since, she has been in occupation and possession of said lands and that even now, she along with her son Hussain Pasha has been residing near Masjid Saduddin near old dairy farm at Tarnaka and that she is Muthawalli of said Masjid also and her son Hussain Pasha has been looking after all related works of said Masjid and also of chinna Moula Ali Dargah and that it had been the consistent case of late Habeebuddin that he is lawful owner of 60 acres of land in Sy.No.10/1 of Habsiguda village. She, ultimately, prayed to dismiss the suit with costs.

8. The defendant No.2 filed written statement specifically denying the case of the plaintiff. It is stated by her that her husband late Ravi Subba Rao and another

person late P.Nagabhushanam have jointly purchased an extent of Ac.12.32 guntas of land, each having 35% and 65% joint interest respectively, under a registered sale deed dated 08.08.1965 for a valid sale consideration of Rs.1,50,000/- from its owner Habeebuddin and they, during the year 1965-1966, jointly sold an extent of Ac.07.00 out of the total extent of Ac.12.32 guntas to different people under registered sale deeds and the land that remained by the time of their death was Ac.5.32 guntas only. It is alleged by her that Osmania University having failed in its attempt to obtain the possession of the suit schedule lands in the earlier round of litigation in O.S.No.01 of 1956 got initiated eviction proceedings under the Land Encroachment Act by the Government and the Government also lost its case in Hon'ble Supreme Court and having failed in their attempts, Osmania University and the plaintiff having colluded together have filed this suit only to cause harassment to her. It is pleaded by her that the suit is bad for non-joinder of legal heirs of late P.Nagabhushnam and late Ravi Subba Rao and that it is barred by limitation.

9. The defendant No.3 filed written statement by contending that item No.4 i.e., plot No.111, of the suit schedule property does not form part of acquisition proceedings and that he has purchased the said property from Habeebuddin on 09.12.1967 for a valid sale consideration and after leaving space for roads and other public amenities, the plotted area came to 17 acres 24 guntas and that himself and the other defendants have been in possession of respective plots purchased by them. It is further stated by him that the Government by a specific order M.No.2500/M.2/79-10 dated 07.01.1983 has decided that no suit should be filed since it has come to a final

conclusion that the suit is barred by time and as such there are no chances for success and hence, the suit is hopelessly barred by limitation.

10. The defendants No.4 and 32 filed a common written statement opposing the claim of the plaintiff. It is stated by them that the land covered by Sy.No.10/2 of Habsiguda village was never acquired by the Government and the said land was in exclusive possession of Zainuddin and after the death of Zainuddin on 22<sup>nd</sup> Aban of 1346 Fasli, the succession was granted in favour of Habeebuddin and the said Habeebuddin sold an extent of 19 acres 844 Sq.yards out of Sy.No.10/2 to them through a registered sale deed dated 28.11.1962 and that before the purchase, they got published a notice also in Deccan Chronicle English daily on 30.09.1962 intimating the public the intention of their purchase and ever since the date of purchase, they have been in possession and enjoyment of the said land and that the plaintiff is nothing to do with the said piece of land and hence, the suit is liable to be dismissed with costs.

11. The defendant No.5 in his written statement took a plea that he purchased 22 acres of land in Sy.No.10/1 and 2 acres of land in Sy.No.10/2 situated at Habsiguda village from late Nawab Habeebuddin in the year 1966 and ever since, he has been in possession and enjoyment of said land and that he was never dispossessed from the said land and that the judgment rendered in O.S.No.01 of 1956 and that was confirmed in CCCA No.61 of 1959 operates as res judicata and further, the suit is clearly barred by limitation and hence, the same is liable to be dismissed with costs.

12. The defendant No.6 in his written statement took a plea that the land covered by Sy.No.10/2 of Habsiguda village was never acquired by the Government and

it is clear from the acquisition statements that the entire land of Zainuddin was not acquired and after the death of Zainuddin, Habeebuddin was in possession of the land covered by Sy.No.10/2 and he sold 4 acres of land for raising grape gardens and the remaining land to one Subba Rao and Nagabhushanam under a registered sale deed dated 8.01.1965 and the said purchasers have converted the said land into plots after obtaining permission for layout from the concerned authorities and sold nearly 40 plots to various persons and he has purchased plot No.151, admeasuring 1360 Sq.yards, out of the said survey number and ever since, he has been in possession and enjoyment of the said plot as its absolute owner and hence, he cannot be dispossessed from the said plot.

13. The defendants No.7, 8, 9 and 10 filed common written statement stating that the land covered by Sy.No.10/2 of Habsiguda village was never acquired by the Government and after the death of Zainuddin, late Habeebuddin being the lawful owner has sold 12 acres 32 guntas of land to Ravi Subba Rao and Paladugu Nagabhushanam under a registered sale deed and the said purchasers have converted the said land into plots and sold to them and others and that they are in possession and enjoyment of their respective plots i.e., plot No. 161, 162, 163, totally admeasuring 1972 Sq.yards, and that they filed a suit being O.S.No.562 of 1983 against the Government and Osmania University and that the plaintiff is nothing to do with their plots and that the plaintiff has filed this suit only to harass them and hence, the suit may be dismissed with costs.

14. Defendants No.11, 13, 18, 19 and 21 on one hand and the defendants No.12, 14, 15, 16, 17, 20, 22 and 25 on the other have filed common written statements stating that the defendant No.11 purchased plot No.150, admeasuring 555 Sq.yards, the

defendant No.12 purchased plot No.90, admeasuring 555 Sq.yards, the defendant No.13 purchased plot No.148 admeasuring 555 Sq.yards, the defendant No.14 purchased plot No.70 admeasuring 555 Sq.yards, the defendants No.15 and 16 together purchased plot No.133 admeasuring 464.5 Sq.yards, the defendant No.17 purchased plot No.88 admeasuring 555 Sq.yards, the defendant No.18 purchased plot No.89 admeasuring 555 Sq.yards, the defendant No.19 purchased plot No.147 admeasuring 555 Sq.yards, the defendant No.20 purchased plot No.92 admeasuring 561 Sq.yards, the defendant No.21 purchased plot No.119 admeasuring 555 Sq.yards, the defendant No.22 purchased plot No.69 admeasuring 555 Sq.yards, and the defendant No.25 purchased plot No.137 admeasuring 555 Sq.yards in Sy.No.10/2 from Ravi Subba Rao and P.Naga Bhushnam for valid sale considerations and ever since the date of purchase, they are in possession and enjoyment of their respective plots and they have even filed civil suits against Osmania University and that the land in Sy.No.10/2 in which their plots are located was never acquired by the Government and hence, the suit may be dismissed with costs.

15. The defendant No.23 in his written statement took a plea that Ravi Subba Rao and Paladugu Nagabhushnam have jointly purchased an extent of 12 acres 32 guntas of land in Sy.No.10/2 under a registered sale deed dated 08.08.1965 from its original owner Habeebuddin and they converted the said land into plots and he has purchased plot No.52 admeasuring 1075 Sq.yards from the said Ravi Subba Rao and Paladugu Nagabhushnam under a registered sale deed dated 15.05.1965 and that the plaintiff is nothing to do with the said plot and hence, the suit may be dismissed with costs.

16. The defendant No.24 filed a written statement by contending that Ravi Subba Rao and Paladugu Nagabhushnam have jointly purchased 12 acres 32 guntas of land in Sy.No.10/2 of Habsiguda Village under a registered sale deed dated 08.08.1965 from its owner Habeebuddin and they converted the said land into plots and sold the plots to different persons and that one D.Seetharam has purchased a plot admeasuring 555 Sq.yards under a registered sale deed dated 14.12.1965, which was registered on 8.01.1966 vide document No.46/1966 for a consideration of Rs.2,000/- and from the said Seetharam, he has purchased the said plot vide a registered sale deed bearing document No.1576/1985 dated 02.04.1985 for a consideration of Rs.16,650/- and that the land in Sy.No.10/2 was never acquired by the government and that the suit is bad for non joinder of the legal heirs of Ravi Subba Rao and Paladugu Nagabhushnam and that it is barred by limitation and hence, it is to be dismissed with costs.

17. The defendant No.26 filed written statement opposing the claim of the plaintiff. It is stated by him that late Nawab Habeebuddin and his sister/defendant No.1, through registered sale deed dated 08.01.1963, sold 12 acres 32 guntas of land in Sy.No.10/2 to one Nagabhushnam and Ravi Subba Rao for a consideration of Rs.1,50,000/- and in the year 1967, Ravi Subba Rao has agreed to sell his share of land of 4 acres 20 guntas, out of 12 acres 32 guntas, for a consideration of Rs.1,00,000/- to him and in pursuance of said agreement, on 01.08.1967, he paid Rs.35,000/- to late Ravi Subba Rao and again on the request of said Subba Rao, on 22.08.1967 he paid another amount of Rs.65,000/- and Subba Rao, in turn, passed receipts for the said amount and after receipt of the entire sale consideration, Subba Rao has handed over the physical

possession of said 4 acres 20 guntas of land to him and ever since, he has been in possession and enjoyment of said land and after the death of Ravi Subba Rao, he filed a civil suit being O.S.No.950 of 1981 on the file of the Court of V Additional Judge, City Civil Court, Hyderabad against the defendant No.2, who is the wife of said Ravi Subba Rao, for specific performance and subsequently, the said suit was transferred to the Court of Additional District Judge, Ranga Reddy District and later to the Court of Principal District Judge, Ranga Reddy District at Saroornagar where it was numbered as O.S.No.428 of 1984 and in the said suit, Osmania University filed a petition being I.A.No.271 of 1984 for impleadment, but, the said petition was dismissed on 01.10.1985 on merits and when Osmania University tried to interfere with his possession, he filed a suit being O.S. No.171 of 1994 on the file of the Court of Principal District Munsif, Hyderabad East, Ranga Reddy District and in the said suit, the Court granted injunction restraining Osmania University from interfering with his possession and enjoyment over his land and that Osmania University having lost its cases, got filed this case through the plaintiff only to harass him and the other purchasers. He, ultimately, prayed to dismiss the suit with costs.

18. The defendant No.31 filed written statement by contending that while taking possession of plot No.104, the Government handed over the possession of land at the corner of north-east of plot No.110, which is item No.3 of the suit schedule property, in 1342 Fasli itself to Zainuddin as per the agreement and since then, Zainuddin was owner and possessor of item No.3 of the property and Zainuddin died issue less in 1350 Fasli and as per muslim law, Habeebuddin, cousin brother of Zainuddin, has succeeded

to the said property and from him, he has purchased 500 Sq.yards in item No.3 of the suit schedule property under a registered sale deed and ever since, he has been in possession and enjoyment of the said plot as its absolute owner and the plaintiff has no manner of right to seek his eviction from his plot.

19. The defendants No.33 and 34 filed written statement opposing the claim of the plaintiff as well as the defendant No.1. It is stated by them that the total extent of the land in old Sy.No.11 and corresponding new Sy.Nos.10/1 and 10/2 situated at Habsiguda village, Uppal Mandal, Ranga Reddy District was 308 acres and 3 guntas and out of the said land, an area of 265 acres and 3 guntas was acquired by the University and after the acquisition, the Sy.No.10 was split into two survey numbers as 10/1 and 10/2 and the land in Sy.No.10/2 was kept out of acquisition which was comprising of 16 acres 36 guntas and that it was agreed at the time of passing award that the University would leave an extent between Uppal road and University new road, approximately 22 acres, towards north-east corner in Sy.No.10/1 and thus, totally 38 acres 36 guntas i.e., entire area in Sy.No.10/2 and part of Sy.No.10/1, was kept out of acquisition and besides this extent of land, an extent of 2 acres approximately was also left towards west corner in Sy.No.10/1 i.e., towards north and south side of the mosque, and, thus, the extent of the land that was kept out of acquisition in Sy.Nos.10/1 and 10/2 is 40 acres 36 guntas and the said land does not belong either to the plaintiff or the Osmania University. It is stated by them that Habeebuddin and his brother Arifuddin were in open hostile and continuous possession of 8 acres in plot No.104, 10 acres 20 guntas in plot No.94 and 26 acres 14 guntas in plot No.11 and the plaintiff or University has no right or title over the

said area; that the defendant No.1 was not at all related to Habeebuddin and that Habeebuddin did not gift any land to the defendant No.1 and that the defendant No.1 was only the maid servant and during the lifetime of Habeebuddin itself, she was eloped with one Iqbal and was with him at Sanathnagar till his death and after the death of Iqbal, she again came and is residing along with her son Hussaini and since she does not belong to the family of Zainuddin, she cannot be the Muthawalli of Mosque and, in fact, they (defendants No.33 and 34) are the Muthawallis of Dargah, Chinna Moulali, mosque Saduddin and darga of Zainuddin; that after the death of Zainuddin, his succession proceedings was made by the then Atyat Court and that late Arifuddin and late Habibuddin who were the cousin brothers of Zainuddin, and the widow of Zainuddin were shown as legal heirs and successors of Zainuddin and the widow of Zainuddin was given only life interest and therefore, Arifuddin and Habeebuddin were only the sole heirs and successors of Zainuddin. It is also stated by them that Habeebuddin was not competent to make any gift, sale or any kind of transfer, as, the subject matter of the suit was undivided matruka of Zainuddin and that Habibuddin died unmarried and after his death, Arifuddin became the owner of the suit property and after the death of Arifuddin, they became the owners and possessors of the suit property and if at all any alienation was made by Habibuddin during his lifetime without the consent of Arifuddin, the same would not be binding on Arifuddin and his heirs. It is, ultimately, pleaded by them to dismiss the suit with costs.

20. The defendant No.35/Osmania University filed written statement supporting the case of the plaintiff. It is stated by it that the suit being O.S.No.01 of

1956 filed by it and the decree and judgment passed therein has no bearing whatsoever with regard to the right, title and interest not only of the plaintiff but also of it and that the events that have taken place subsequent to the passing of the said decree and judgment rendered as of no relevancy and that the possession of the lands including the suit schedule lands was once again delivered to it by the plaintiff on 30.06.1967 and ever since, it is in continuous and uninterrupted possession and enjoyment of the said lands. It, ultimately, prayed to decree the suit in favour of the plaintiff.

21. The defendant No.47 in its written statement has stated that late Zainuddin Siddiqui was survived by his sister Saleemunnisa Begum i.e., the defendant No.1 herein, and that he had no other heirs and that the defendant No.1 was also a donee of the said Zainuddin Siddiqui for the subject land and after the death of Zainuddin Siddiqui, the defendant No.1 became entitled to 22 acres 33 guntas and she was in possession and enjoyment of the said land with absolute rights; that the defendant No.1 has entered into an agreement of sale with M/s.G.Venkateswar Rao and G.Chandra Rao for 18 acres of land and later, the defendant No.1 and the agreement holders i.e., G.Venkateswar Rao and G.Chandra Rao, have executed an agreement of sale in its favour on 23.12.1975 agreeing to sell the said 18 acres of land for a consideration of Rs.75,000/- per acre and it has paid an amount of Rs.13,50,000/- to the defendant No.1 and the agreement holders and earlier to this, the defendant No.1 has entered into an agreement of sale for 4 acres 33 guntas in favour of B.Bal Reddy, Secretary of the Society at Rs.30,000/- per acre and that was also agreed to be sold in its favour and towards this agreement of sale, an amount of Rs.3,62,000/- was paid to the defendant No.1 by the society after adjusting

the amount with Secretary G.Bal Reddy and, thus, it became the agreement holder for 22 acres 33 guntas and that it filed a suit being O.S.No.59 of 1994 on the file of the Court of I Additional District Judge, Ranga Reddy District at Saroornagar for specific performance and the same was decreed on 26.09.1995. It is further stated by it that it is not concerned about the sale of property, if any, made by Habeebuddin in respect of other lands and it is concerned with 22 acres 33 guntas of land only purchased under the agreements and that it has been in possession and enjoyment of the above land and the plaintiff has no right to claim the said land and hence, the suit is liable to be dismissed.

22. In this suit, the Court, on 12.08.1993, framed the following issues:

1. Whether the suit schedule properties are government lands?
2. Whether the defendants are in illegal possession of the plaint schedule properties?
3. Whether the plaintiff is entitled for declaration as prayed for?
4. Whether the plaintiff is entitled to permanent injunction as prayed for?
5. To what relief?

23. It is at that stage, the suit was transferred to the Special Court constituted under Section 7 of the Act and the plaintiff, (hereinafter referred to as 'the applicant') filed an application under Section 8(1) of the Act with a prayer to declare it as the owner of the suit schedule properties (hereinafter referred to as 'the application schedule properties') and evict the defendants (hereinafter referred to as 'the respondents') from the application schedule properties. The applicant in its concise statement has reiterated the case that was pleaded in the plaint before the civil Court.

24. The respondents No.9, 10, 18, 19, 24 and 47 (defendants No.9, 10, 18, 19, 24 and 47 in the suit) filed counters reiterating their case that was pleaded in the written

statements filed by them in the suit before the civil Court.

25. The respondent No.26 (defendant No.26 in the suit), in his counter, while reiterating his case pleaded in the written statement filed in the suit before the civil Court, took a plea that the transfer of O.S.No.36 of 1986 to the Special Court under the Land Grabbing (Prohibition) Act is contrary to the orders passed by the Hon'ble Supreme Court in Civil Appeal No.2031 of 1977 and Civil Appeal No.136 of 1978 and that the Hon'ble Court of Andhra Pradesh vide order in CRP No.3216 of 1998 found fault with the transfer of said suit to the Special Court and that the Special Court did not follow the procedure contemplated under the Act and Rules in taking cognizance of the application and hence, the application is liable to be dismissed in limine.

26. The respondents No.45 and 46 (defendants No.45 and 46 in the suit) filed a memo to treat the written statement filed in the suit as their counter in this application.

27. The respondents No.48 and 50 filed separate counters stating that they have purchased one plot each from Ravi Subba Rao and P.Nagabhushnam and they being the bona fide purchasers are in possession of their respective plots and further, the application is clearly barred by limitation and hence, the same may be dismissed with costs.

28. The respondents No.53 and 54 filed a common counter stating that they have jointly purchased plot No.87, admeasuring 555.5 sq.yards in Sy.No.10/2 of Habsiguda village, under a sale deed dated 13.08.1982 from one Tummala Subrahmanyam and Tummala Venkata Ramalingeswara Satya Prasad for a valid sale consideration and that their plot was never included in the alleged acquisition

proceedings and further, if the case of the applicant that it has acquired the land for Osmania University, as per Section 51(2)(d) of the Osmania University Act, 1959, the property vests with the said University and, therefore, the applicant/Government cannot claim any manner of right, title or interest over any piece of land in Sy.No.10/2 and further, the application is barred by limitation and hence, the same may be dismissed with costs.

29. The respondents No.55, 56 and 62 filed separate counters claiming right, title and interest over plot Nos.50, 51 and 86 respectively by stating that they have purchased the said plots from P.Nagabhushnam and Ravi Subba Rao for a valid sale consideration and ever since the date of purchase, they have been in possession and enjoyment of their respective plots and that their plots were never included in the alleged acquisition proceedings and hence, the application in respect of their plots is not maintainable and hence, the same is liable to be dismissed.

30. The respondents No.71 to 75 filed a common counter that they have purchased shops that were constructed by the respondents No.4 and 32 over the land purchased by them from Habeebuddin and Saleemunnissa Begum (defendant No.1) in Sy.No.10/2 and that the land over which their shops were constructed was not included in the alleged acquisition proceedings and hence, the application so far as their shops is concerned is to be dismissed with costs.

31. The respondents No.58 and 87 to 89 filed a memo adopting written statement of the defendant No.5 filed in the suit before the civil Court.

32. The respondents No.79 to 86 have filed counter affidavit stating that Smt.

Riyazatunnisa Begum was Makthedar of land admeasuring 308 acres in old Sy.No.11 of Habsiguda village, Ranga Reddy District as per Muntakab No.44/58 of 1353 Fasli; that her husband Sudruddin predeceased her and after her demise, her only son Zainuddin appeared before the Revenue Board and consequently Muntakab No.1293F was issued in his name; that erstwhile Government of Hyderabad, out of said 308 acres of land, has acquired 146.08 acres of land for the purpose of Osmania University; that after the death of Zainuddin, who died issue less, the Collector, Hyderabad District conducted inam enquiry in respect of unacquiesced lands only and succession certificate was issued in favour of Smt.Waheedunisa Begum, Wife of Late Zainuddin, and also in favour of cousin brothers of late Zainuddin by name Mohd. Arifuddin and Mohd. Habeebuddin, but, the said cousin brothers have no right of succession of late Zainuddin and that Waheedunisa Begum was only the legal heir of late Zainuddin; that Waheedunisa Begum died issue less in the month of July, 1963 in Hyderabad leaving behind her, Syed Yousuf Md. Mohammedul Hussaini and her younger sister Syed Shahajadi Begum and the said Shahajadi Begum died issue less and, therefore, Syed Yousuf Mohd. Mohammedul Hussaini was the only legal heir of said Waheedunisa Begum and he has perfected his title over the land admeasuring 26 acres in Sy.Nos. 5, 6, 7, 8 and 9 and after the death of the said Syed Yousuf Mohd. Mohammedul Hussaini, they, being his legal heirs, have succeeded to the said land and that Osmania University having lost its case in respect of the subject land in the earlier round of litigation got filed this application through the applicant/Government only to defeat their right and interest over the said land and hence, the application is liable to be dismissed.

33. The respondents No.92 to 97, being the legal representatives of the respondent No.27, filed a memo adopting the counter of the respondent No.27.

34. The respondent No.61 filed counter stating that his father has purchased plot No.88, admeasuring 555 Sq.yards, in Sy.No.10/2 of Habsiguda village on 01.04.1964 from late Paladugu Nagabhushnam and late Ravi Subba Rao and after the death of his father, he has been in possession and enjoyment of said plot and that the land alleged to have been acquired by the applicant was vested with the Osmania University and the applicant has no manner of right and interest over the land alleged to have been acquired and further, his plot was not included in the alleged acquisition and hence, the application insofar as his plot is concerned is to be dismissed with costs.

35. The respondent No.91 filed counter stating that the land in Sy.No.10/2 was never acquired by the Government for any purpose and that he has purchased plot No.71, admeasuring 555 Sq.yards, in Sy.No.10/2 under a registered sale deed dated 07.10.1965 from late Paladugu Nagabhushnam and late Ravi Subba Rao and ever since the date of purchase, he has been in peaceful possession and enjoyment of said plot and that the application of the applicant is misconceived and hence, the same is liable to be dismissed with costs.

36. In the suit, originally, there were 32 defendants. The defendants No.33 and 34 were got themselves impleaded as per the orders dated 06.03.1990 in I.A.No.599 of 1990; that the defendant No.35 was added as per the orders dated 05.07.1993 in I.A. No.1145 of 1993; that the defendants No.36 to 40 were added as per the orders dated 15.02.1995 in I.A.No.921 of 1991; that the defendants No.41 to 44 were brought on

record as the legal representatives of the deceased defendant No.3 by name Tummala Krishna Rao as per the order dated 02.09.1996 and the defendants No.45 and 46 were brought on record as the legal representatives of the deceased defendant No.23 by name D.V.Narsimha Rao as per the order dated 02.09.1996. By the time of transfer of the case to the Special Court, there were 47 defendants and thereafter, from time to time several parties were added either as legal representatives or transferees or otherwise.

37. On receipt of suit record from the Court of II Additional Senior Civil Judge, Ranga Reddy District and after filing of concise statement by the applicant, the Special Court got published the notice of taking cognizance of the case [Form No.II(A)] in the Andhra Pradesh Gazette Part-II Extra-ordinary dated 22.12.2003 as required under Rule 7(1) of the Rules.

38. The Special Court framed the following issues, on 10.11.2003, for trial:

- 1) Whether the applicant is the owner of the application schedule property?
- 2) Whether the rival title set up by the respondents is true, valid and binding on the application?
- 3) Whether the adverse possession set up by the respondents is true, valid and binding on the application?
- 4) To what relief?

39. The Special Court, as per the orders in I.A.No.721 of 2012 dated 02.04.2013, framed the following additional issues.

- 1) Whether the LGC is barred by limitation?
- 2) Whether items Nos. 1 to 3 of the application schedule property were acquired under the provisions of Hyderabad Land Acquisition Act?
- 3) Whether item No.4 of the application schedule property was partly acquired under the provisions of the Hyderabad Land Acquisition Act and partly by private negotiations?
- 4) Whether the judgment and decree in O.S.No.01 of 1958 on the file of II Additional Judge, City Civil Court, Hyderabad operates as res judicata?

- 5) Whether the respondents have title to the application schedule property?
- 6) Whether the respondents are land grabbers and liable for eviction?

40. After receipt of file, this Court on 24.05.2023, framed the following additional issue for consideration:

“Whether the claim of the petitioner is within limitation?”

41. But, while going through the record for preparation of order, it is noticed that the issue concerning the ‘limitation’ was already framed on 02.04.2013. So, in exercise of the power under Order XIV Rule 5(2) of the Code of Civil Procedure, the additional issue framed on 24.05.2023 is struck off as being unnecessary.

**Pleadings in LGOP No.11 of 2022:**

42. The applicant/Osmania University, originally, filed the application under Section 8(1) of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (for short, ‘the Act’) before the Special Court constituted under Section 7 of the Act at Hyderabad and there it was registered as LGC No.153 of 1996. The Government of Telangana vide G.O.Ms.No.113, Revenue (Land Matters) Department dated 01.06.2016 made an order called “the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (AP Act 12/1982) Repeal Order, 2016” repealing the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 in its application to the State of Telangana with immediate effect. It was ordered that all cases of post cognizance pending before the Special Court and Special Tribunals shall stand transferred to the Courts of Chief Judge, City Civil Court, Hyderabad or Principal District Judges of the respective Districts and the said cases shall be tried and

disposed of as LGOP in terms of AP Act No.12/1982. In pursuance of the said order, the case in LGC No.153 of 1996 was transferred to the Court of Principal District Judge, Ranga Reddy District at LB Nagar and there it was registered as LGOP No.1159 of 2016. Later, on creation of new judicial districts, the said LGOP No.1159 of 2016 was transferred to this Court on the point of territorial jurisdiction and the same is re-registered as LGOP No.11 of 2022 on the file of this Court.

43. Originally, the applicant filed the application against the respondents No.1 to 3 only with a prayer to declare it as the absolute owner of the application schedule property i.e., the land admeasuring 1495.22 Sq.yards in Sy.No.10/2 of Habsiguda village, Uppal Revenue Mandal, Ranga Reddy District, and to declare the respondents as land grabbers and consequently, direct the respondents to vacate the application schedule property by removing the structures and handover the same to it and also to punish the respondents under Sections 3 and 4 of the Act. Later, the applicant got impleaded the government as respondent No.4 vide orders in I.A.No. 552 of 1997 dated 20.06.1997. Further, the respondents No.5 to 8 came to be impleaded on their own vide orders in I.A.No.956 of 2005 dated 29.11.2005.

44. The averments made in the concise statement/application, in brief, are:

(a) The then Nizam Government of Hyderabad acquired various extents of lands situated in old Sy.No.11, present Sy.Nos.10/1 and 10/2 of Habsiguda Village, apart from lands in other survey numbers, from late Zainuddin Makhtedar, Babar Mirza and some others after paying the compensation, for the purpose of establishing the applicant/University. The total extent of the land acquired was about

301 acres. The Government handed over the said lands to the applicant/University for its establishment and use. Till then the Government of Nizam, thereafter the State of Hyderabad and thereafter the State of Andhra Pradesh and presently applicant/University is in physical, peaceful and uninterrupted possession of the said lands.

(b) In 1942, one Habeebuddin encroached some portion of land in Sy.Nos.10/1 and 10/2 of Habsiguda Village, Uppal Mandal and so, the applicant/University had filed a suit being O.S.No.01 of 1956 on the file of the Court of II Additional Judge, City Civil Court, Hyderabad against the said Habeebuddin for recovery of possession of said land and after hearing both sides, the Court dismissed the said suit vide judgment dated 30.01.1959 and against the said judgment, the applicant/University filed an appeal being CCCA No.61 of 1959 on the file of the Hon'ble High Court, but, the Hon'ble High Court dismissed the said appeal, however, by recording a finding that Habeebuddin had no title to the property and he encroached the lands belonging to the applicant/University, but, he perfected his title to the property by way of adverse possession.

(c) In 1964, the Government of Andhra Pradesh through the then Tahsildar, Hayathnagar initiated proceedings under the provisions of the Andhra Pradesh Land Encroachment Act and consequently, Habeebuddin and the persons claiming through him were evicted on 03.06.1967 and thereafter, the possession of the entire land in Sy.No.10/1 and 10/2 of Habsiguda village was again delivered to the applicant/University by the Government and since then, the applicant/University is in

continuous physical, peaceful and uninterrupted possession of the said lands.

(d) The encroachers and the persons claiming through Habeebuddin approached the Hon'ble High Court by filing W.P.No.905 of 1975, W.P.No.1538 of 1974 and W.P.No.798 of 1977 questioning the notices issued to them by the then Tahsildar under the provisions of the Andhra Pradesh Land Encroachment Act. The Hon'ble High Court (Single Judge) dismissed the said writ petitions, against which, the encroachers filed W.A.No.796 of 1975 and W.A.No.922 of 1975 and the Division Bench of the Hon'ble High Court allowed the said appeals by judgment dated 30.06.1977 setting aside the judgment of the Single Judge. Against the said judgment of the Hon'ble Division Bench, the Government of Andhra Pradesh carried the matter to the Hon'ble Supreme Court of India by way of Civil Appeal No.2071 of 1977 and batch. The Hon'ble Supreme Court of India while disposing the said appeals directed the government to file the suit against the said Habeebuddin and the persons claiming through them.

(e) After dismissal of civil appeal by the Hon'ble Supreme Court, the Government of Andhra Pradesh through the District Collector, Ranga Reddy District filed a suit being O.S.No.36 of 1986 in respect of the application schedule land and for other extents of land for declaration of title, injunction and alternatively for recovery of possession and the said suit is pending on the file of the Court of II Additional Subordinate Judge, Ranga Reddy District.

(f) The respondents without any valid right, title and interest on the application schedule property and without having any valid permission from the

competent authority are raising structures on the application schedule property and the said act of the respondents comes within the teeth of the provisions of the Act and, therefore, they are to be declared as land grabbers and to be punished for committing the said act.

45. The Special Court after taking cognizance of the application got published the notice of taking cognizance of the case [Form No.II(A)] in the Andhra Pradesh Gazette Part-II Extra-ordinary dated 19.09.1996 as required under Rule 7 (1) of the Rules.

46. The respondents No.1 and 2 filed counter affidavit resisting the application, the averments of which, in brief, are: (a) One Nawab Habeebuddin was the owner and possessor of various lands including the land in Sy.No.10/2 situated at Habsiguda Village, Ranga Reddy District. The said Nawab Habeebuddin and his sister Begum Saleemunissa sold an extent of 19844 Sq.yards out of Sy.No.10/2 to Bandi Venkata Rama Rao and Bandi Aditya Prasad under a registered sale deed dated 28.12.1962 and the said purchasers obtained a layout and also permission for construction of houses from the concerned local authorities and thereafter, some mulgies were also constructed at the northern side front portion of the said land. The entire land was fenced by a compound wall and was in exclusive possession and occupation of the purchasers. The mulgies and other structures which were constructed in the property were also assessed and given H.Nos. 1-91/2, 1-91/1, 1-90/1, 1-90/2, 1-91/5, 1-91/4, 1-91/3, 1-91/8, 1-91/7, 1-91/6, 1-90/4, 1-90/5, 1-90/8, 1-90/9, 1-90/10, 1-90/14, 1-90/13, 1-90/12, 1-90/11, 1-90/7, 1-90/6 and 1-90.

(b) The respondent No.3 herein has purchased an extent of 700 Sq.yards having Door No.1-91/2 with appurtenant land from B.V.Rama Rao and B.Aditya Prasad under a registered sale deed bearing document No.4016/1985 and he sold the same to the respondent No.2 under a registered sale deed bearing document No.4079/1985 dated 30.05.1985 and ever since the date of purchase, he (respondent No.2) is in continuous and uninterrupted possession of said property.

(c) Earlier, the applicant claiming to be the owner of the land in Sy.No.10/2 filed a suit being O.S.No.01 of 1956 on the file of the Court II Additional Judge, City Civil Court, Hyderabad against Habeebuddin for recovery of possession of said land and the said suit was dismissed observing that the predecessor-in-title i.e., Habeebuddin, proved his ownership and possession over the lands which the applicant/University wants to recover including the present Sy.No.10/2. In the said suit, a finding was also given that the suit was hopelessly barred by limitation. Aggrieved by the said judgment and decree in O.S.No.01 of 1956, the applicant filed an appeal being CCCA No.61 of 1959 on the file of the Hon'ble High Court of Andhra Pradesh and the Hon'ble High Court vide judgment dated 24.01.1964 dismissed the said appeal and the same has become final and, therefore, the present suit is hit by the provisions of Section 11 of the Code of Civil Procedure, as, res judicata is applicable. So, the applicant/University is estopped legally and factually in filing the present application.

(d) The applicant/University having failed in its attempt to get the possession of the lands including the land in Sy.No.10/2 instigated the Government of Andhra Pradesh to initiate proceedings under the Land Encroachment Act and the Government

got issued notices under Sections 6 and 7 of the Land Encroachment Act to Nawab Habeebuddin to vacate the lands. The appeals filed by Habeebuddin before the authorities concerned were dismissed. Therefore, the predecessor-in-title of the respondent No.2 along with others, who purchased various properties from Habeebuddin, filed writ petitions before Hon'ble High Court of Andhra Pradesh in 1974. A Division Bench of the Hon'ble High Court allowed the writ appeals and W.P. No.796 of 1975 filed by the predecessors-in-title of the respondent No.2 by order dated 13.06.1977 and against the said order, the Government of Andhra Pradesh filed appeals before the Hon'ble Supreme Court of India and the Hon'ble Supreme Court of India vide its judgment dated 16.10.1982 dismissed the said appeals by observing that the University having failed has activated the Government to evict Nawab and his transferees summarily, but, the same is impermissible. Thus, the question of title by way of adverse possession or otherwise has come to be settled between the applicant and the predecessors-in-title. Although the Government of Andhra Pradesh is bound by the said judgment of the Hon'ble Supreme Court of India, got filed a suit being O.S. No.36 of 1986 on the file of the Court of Principal Sub-Judge, Ranga Reddy District against various persons including the predecessor-in-title of the respondent No.2. The Government contends that it is the owner of the property and still the ownership is with it and so, the applicant/University cannot maintain the present application. The State Government and the applicant/University have to primarily decide between themselves as to who is the owner of the property and pending adjudication of the same cannot involve the respondents in vexatious and multi-prolonged litigation.

(e) The respondent No.2 has purchased the property under a registered sale deed and so, he cannot be said to be a grabber or encroacher and the cause of action alleged by the applicant is a created and fictitious one.

47. The respondent No.3 filed counter supporting the contention of the respondents No.1 and 2.

48. On impleadment of the respondent No.4/Government, the Mandal Revenue Officer, Uppal filed counter affidavit and he has supported the claim of the applicant/University.

49. After the impleadment of the respondent No.4/Government, the respondents No.1 and 2 filed additional counter affidavit reiterating their case. It is stated by them that the Government contends that it is the owner of the property and still the ownership is with it (Government) and, therefore, the Osmania University cannot maintain the present application by itself and that the Government having had chosen to file a suit for declaration of title and possession is estopped from instigating the University in filing the present application. It is alleged by them that the applicant/University is making attempts to some how or other wriggle out of the settled proposition of law and got filed an application for impleading the Government of Andhra Pradesh as a party/respondent. They, ultimately, prayed to dismiss the application.

50. On their impleadment, the respondents No.5 to 8 filed a memo adopting the counter affidavit and additional counter affidavit filed by the respondents No.1 and 2.

51. Based on the above rival pleadings, the Special Court framed the following issues, on 14.10.1996, for trial:

- 1) Whether the applicant is the owner of the application schedule land?
- 2) Whether the rival claim title set up by the respondent is true and valid?
- 3) Whether the judgment and decree in OS No.01 of 1956 on the file of II Additional Judge, City Civil Court, Hyderabad operates as res judicata?
- 4) In any event, whether the respondent or any of them have perfected title to the schedule land or any part thereby adverse possession?
- 5) To what relief?

52. The respondents No.1 and 2 filed a petition being I.A.No.1047 of 1996 to decide the issue No.3 as preliminary issue. The Special Court vide order dated 28.07.1998 dismissed the said petition against which, the respondents No.1 and 2 filed W.P.No.24485 of 1998 before the Hon'ble High Court of Andhra Pradesh and the Hon'ble High Court allowed the said Writ Petition setting aside the order passed in I.A. No.1047 of 1996 and directed the Special Court to decide the issue of jurisdiction as a preliminary issue after giving sufficient opportunity to both the parties. Aggrieved by the said order of the Hon'ble High Court, the applicant/University filed an appeal being Civil Appeal No.4404 of 2001 before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court vide order dated 18.07.2001 allowed the said appeal and set aside the order of the Hon'ble High Court. The Hon'ble Supreme Court directed the Special Court to proceed with the LGC No.153 of 1996 (present LGC) in accordance with law along with the transfer suit No.36 of 1986 (subject matter of LGOP No.08 of 2022) from the file of II Additional Sub-Judge, Ranga Reddy District and decide the same in accordance with law. The Special Court vide order dated 31.10.2003, on the representation made by the Advocate, clubbed this LGC with LGC No.40 of 2003, which arose out of

O.S.No.36 of 1986, for the purpose of joint trial and disposal. The Special Court observed that the evidence that may be recorded in LGC No.40 of 2003 may be treated as evidence in this LGC. So, this LGC (LGC No.153 of 1996) was called with LGC No.40 of 2003 (now LGOP No.08 of 2022) before the Special Court till it was transferred to the Court of Principal District Judge, Ranga Reddy District at LB Nagar in 2016.

**Witnesses examined and exhibits marked in LGOP No.08 of 2022:**

53. During the trial before the Special Court, on behalf of the applicant, K.Dharma Reddy, Special Deputy Collector, Land Protection Cell, Ranga Reddy District, was examined as PW1 and Ex.A1 to Ex.A42 , Ex.42(a), and Ex.A43 to Ex.A45 were marked. Whereas, for the respondents No.7 to 10, the respondent No.10 was examined as RW1 and Ex.B1 to Ex.B22 were marked; for the respondent No.48, her husband was examined as RW2 and Ex.B23 was marked; for the respondent No.24, he himself was examined as RW3 and Ex.B24 was marked; for the respondents No.15 and 16, the respondent No.15 was examined as RW4 and Ex.B28 was marked; for the respondent No.6, she herself was examined as RW5 and Ex.B25 was marked; for the respondent No.29, she herself was examined as RW6 and Ex.B26 was marked; for the respondent No.28, she herself was examined as RW7 and Ex.B27 was marked; for the respondent No.13, she herself was examined as RW8 and Ex.B29 was marked; for the respondent No.50, he himself was examined as RW9 and Ex.B30 was marked; for the respondent No.18, he himself was examined as RW10 and Ex.B31 was marked; for the respondent No.19, he himself was examined as RW11 and Ex.B32 was marked; for the

respondent No.26, he himself was examined as RW12 and Ex.B33, Ex.B35 to Ex.B59 and Ex.B100 to Ex.B111 were marked; for the respondent No.25, her son as well as GPA holder was examined as RW13 and Ex.B34 was marked; for the respondent No.32 and the respondent No.4, the respondent No.32 was examined as RW14 and Ex.B60 to Ex.B77 were marked; for the respondent No.56, she herself was examined as RW15 and Ex.B78 was marked; for the respondent No.55, she herself was examined as RW16 and Ex.B79 was marked; for the respondents No.43, 44, 51 and 52, the respondent No.44 was examined as RW17 and Ex.B80 to Ex.99 and Ex.B141 were marked; for the respondents No.72, 73, 74 and 75, the Chairman of the respondent No.73 was examined as RW18 and Ex.B112 to Ex.B140 were marked; for the respondents 43, 44, 51 and 52, the respondent No.44 was examined as RW19; for the respondent No.60, he himself was examined as RW20 and Ex.B142 to Ex.B145 were marked; for the respondents No.53 and 54, the respondent No.54 was examined as RW21 and Ex.B146 to Ex.B148 were marked; for the respondent No.31, he himself was examined as RW22 and Ex.B149 to Ex.B151 were marked and for the respondent No. 35/Osmania University, S.A.Quader was examined as RW23 and Ex.B152 to Ex.B163, Ex.B153(a), Ex.B154(a) were marked.

**Witnesses examined and exhibits marked in LGOP No.11 of 2022**

54. The parties did not lead any separate evidence in this LGOP. However, the applicant/Osmania University herein is the respondent No.35 in LGOP No.08 of 2022 and on its behalf, one S.A.Quader was examined as RW23 and Ex.B152 to Ex.B.163 and Ex.B153(a) and Ex.B154(a) were marked in LGOP No.08 of 2022; the respondent

No.4/Government herein is applicant in LGOP No.08 of 2022 and on its behalf, PW1 was examined and Ex.A1 to Ex.A42, Ex.A42(a) and Ex.A43 to Ex.A45 were marked in LGOP No.08 of 2022; the respondents No.2 and 5 to 8 herein are the respondents No.71, 72, 74, 75 and 73 in LGOP No.08 of 2022 and on their behalf, one S.V.Partha Sarathy was examined as RW18 and Ex.B112 to Ex.B140 were marked.

**Arguments and findings:**

55. Heard the learned counsel appearing for the parties and perused the written arguments filed by them.

56. **Additional issue No.2 in LGOP No.08 of 2022:** Whether items Nos. 1 to 3 of the application schedule property were acquired under the provisions of Hyderabad Land Acquisition Act?

The case of the applicant/government, in brief, is: The land in Sy.No.11 correlated to new Sy.Nos. 10/1 and 10/2, to an extent of 301 acres, of Habsiguda Village, Uppal Mandal, Ranga Reddy District, originally, belonged to one Zainuddin Maktedar and that one Nawab Manzoor Jung Bahadur and his son Baber Mirza were the pattadars of the land in old Sy.Nos.1 to 10 and 16 to 27 corresponding to new Sy.Nos.1, 92, 2 to 9, 40/1, 40/2, 40/3, 40/4, 40/5, 41, 43 to 52, to an extent of 94 acres 70 cents situated at Habsiguda Village, Uppal Mandal, Ranga Reddy District. The erstwhile Nizam Government vide Gazette notification dated 21<sup>st</sup> Amardad 1331 Fasli (26<sup>th</sup> June, 1922 AD) (Ex.B153) proposed to acquire 1077 acres of land for construction of University. In the said land, the land of 300 acres belonging to Zainuddin Maktedar was included. In the said land of Zainuddin Maktedar, there were some houses and buildings. A gazette notification was issued on 13.05.1341 Fasli and an award was passed to the

said effect. On the request of Zainuddin, an amount of Rs.15,685/- was paid to him in advance towards compensation of the houses and buildings. Zainuddin has acknowledged the receipt of said amount in letter-cum-receipt dated 23<sup>rd</sup> Behman 1336 Fasli = 27<sup>th</sup> December, 1926 AD (Ex.A1). But, the proposal for construction of University was kept in abeyance. Therefore, the Government asked Zainuddin to return the amount of Rs.15,685/- that was received by him in advance as compensation. But, Zainuddin vide letter dated 13<sup>th</sup> Amardad 1335 Fasli = 18<sup>th</sup> June, 1926 AD (Ex.A2) expressed his inability to return the amount and offered to give some land of him in lieu of the said amount. So, an office note dated 23<sup>rd</sup> Amardad 1335 Fasli = 28<sup>th</sup> June, 1926 AD (Ex.A3) was put up and the Public Works Department requested the Land Acquisition Officer to fix the rate and the extent of the land to cover the amount of Rs.15,685/-. The Compensation Officer fixed the rate at Rs.109/- per acre and the area to be taken over as 144 acres out of 301 acres in old Sy.No.11, corresponding to new Sy.Nos. 10/1 and 10/2 of Habsiguda village. Zainuddin himself has demarcated the land area of 144 acres and the possession of the said land was also taken as could be seen from the proceedings dated 18<sup>th</sup> Aban 1336 Fasli = 24<sup>th</sup> September, 1927 AD (Ex.A5) and the said land was given plot No.110. Thereafter, the proposals for establishment of University was revived and a fresh Gazette notification dated 13<sup>th</sup> Farwardi 1341 fasli = 29<sup>th</sup> June, 1932 AD (Ex.B154) was published for acquiring huge extents of lands in five villages, namely, Lalaguda, Habsiguda, Amberpet, Ramanthapur, Zamistanpur and the remaining land of 146 acres 8 guntas, out of 301 acres in old Sy.No.11 corresponding to new Sy.Nos. 10/1 and 10/2 of Zainuddin, was included in the said land and the said land

of 146 acres 8 guntas was given plot No.94. The land of 10 acres 15 guntas was given plot No.104. Thus, the 300 acres of Maktha land of Zainuddin in old Sy.No.11 corresponding to new Sy.Nos.10/1 and 10/2 is covered by plot Nos. 94, 104 and 110. Zainuddin has already received compensation of Rs.15,685/- for 144 acres of lands i.e., plot No.110, and for plot Nos. 94 and 104, an Award dated 15<sup>th</sup> Azure 1342 fasli = 20<sup>th</sup> October, 1932 AC (Ex.A6) was passed for compensation of Rs.38,194/- i.e., Rs.35,000/- for Plot No.94, admeasuring 146 acres 9 guntas, and for plot No.104, 22 guntas of land was left for Mosque and the remaining area of 9 acres 33 guntas was taken by agreeing to give in exchange equivalent area in north-east corner of plot No.110 and, however, since there were mulgies (construction), well and trees, compensation of Rs.3,194/- was fixed for the remaining area in Plot No.104. The said amount of Rs.38,194/- was paid to Zainuddin in cash vide receipt dated 29<sup>th</sup> Azure 1342 fasli = 3<sup>rd</sup> November, 1932 AD. Thus, the erstwhile Nizam of Hyderabad became the owner of 290 acres 7 guntas in old Sy.No.11 corresponding to new Sy.Nos. 10/1 and 10/2 by virtue of acquisition proceedings under the Land Acquisition Act from its owner Zainuddin and subsequently, the Government of Andhra Pradesh became the owner of the said land after the merger of Nizam in the Union.

57. The respondents are not disputing the fact that the land admeasuring 301 acres in Sy.No.11 corresponding to new Sy.Nos. 10/1 and 10/2 of Habsuiguda village belonged to Zainuddin Maktedar. But, their case is that the entire land was not acquired from Zainuddin and further whatever acquisition that was made was not under the provisions of the Land Acquisition Act.

58. It is not in dispute that the items No.1 to 3 of the application schedule properties are in old Sy.No.11 and corresponding new Sy.Nos.10/1 and 10/2. Since the applicant/Government has taken a plea that it has acquired the total land of 301 acres from Zainuddin by following the procedure under the Hyderabad Land Acquisition Act, 1309 Fasli and items No.1 to 3 of the application schedule properties form part of the said total extent of 301 acres of land, it is for them to prove the same.

59. The applicant/Government got examined K.Dharma Reddy, Special Deputy Collector, Land Protection Cell, Ranga Reddy District as PW1. He, in his evidence, has reiterated the above case of the applicant/government. Ex.B153 is the Gazette notification dated 21<sup>st</sup> Amardad 1331 Fasli = 26<sup>th</sup> June, 1926 AD stated to have been published by the Government of Nizamul Mulk Asif Jah. It is in Urdu and its English translation is also filed and the same is marked as Ex.B153(a). The recitals of this document would show that the Public Works Department of Government proposed to acquire 1077 acres of land situated at Adikmet for the purpose of construction of the buildings of Osmania University and, therefore, the notification under Section 5 of the Land Acquisition Act was published to the effect that the said land shall be obtained by the Government by paying the compensation. But, it is to be noted that except giving the boundaries, no other details of the land, such as, survey numbers, etc., are mentioned in the said notification. It is also not mentioned in the said notification that the land of 301 acres of Zainuddin in old Sy.No.11 corresponding to new Sy.Nos.10/1 and 10/2 of Habsiguda Village was included in the said 1077 acres of land that was proposed to be acquired.

60. Ex.A1 is a representation dated 23<sup>rd</sup> Behman 1336 Fasli = 27<sup>th</sup> December, 1926 AD stated to have been given by Zainuddin to the Secretary to Government, PWD and Irrigation Department, Hyderabad acknowledging the receipt of Rs.15,685/- in advance as compensation for 301 acres of land. Ex.A2 is a representation dated 13<sup>th</sup> Amardad 1335 Fasli = 18<sup>th</sup> June, 1926 AD stated to have been addressed by Zainuddin to the Secretary to Government, PWD and Irrigation Department, Government of Nizam. The applicant/government is relying on this document to contend that when the establishment of University was kept in abeyance, Zainuddin was asked to refund the amount of Rs.15,685/- that was received in advance as compensation and Zainuddin while expressing his inability to repay the said amount has asked the government to take some land in lieu thereof. Ex.A3 is office note dated 23<sup>rd</sup> Amardad 1335 Fasli = 28<sup>th</sup> June, 1926 AC. From this office note, it appears that in response to Ex.A2 given by Zainuddin, the Public Works Department requested the Special Officer Compensation to fix the rate and the extent of the land to cover the amount of Rs.15,685/-. Ex.A4 is a letter from the Special Officer, Land Compensation to the Secretary to the Government, Irrigation Department and PWD, HEH the Nizams Government, wherein the Special Officer has fixed the rate at Rs.109/- per acre and determined the area to be taken over as 144 acres from Zainuddin. Ex.A5 is letter dated 18<sup>th</sup> Aban 1336 Fasli = 24<sup>th</sup> September, 1927 AD stated to have been addressed by the Superintendent, Department of PWD to Zainuddin informing him the decision of the Government that the rate per acre was fixed at Rs.109/- and the area of the land to be handed over by him as 144 acres.

61. Ex.B154 is gazette notification dated 13<sup>th</sup> Farwardi 1341 Fasli = 29<sup>th</sup> June, 1932 AD published by the Government of Nizamul Mulk Asif Jah under Sections 3 and 5 of the Land Acquisition Act, 1319 Fasli. It is in Urdu and its English translation is marked as Ex.B154(a). Through this notification, the Government proposed to acquire 1362 acres of land near Adikmet village for the purpose of construction of the buildings of Osmania University. But, there is no reference in this notification that the land of Zainuddin in old Sy.No.11 corresponding to new Sy.No.10/1 and 10/2 was also proposed to be acquired. Ex.A6 is copy of proceedings of the Collector in File No.114 of 1341 Fasli dated 15<sup>th</sup> Azure 1342 Fasli = 20<sup>th</sup> October, 1932 AC wherein the compensation for 146 acres and 9 guntas (plot No.94) was fixed at Rs.35,000/- and for 9 acres 33 guntas (plot No.104), the compensation of Rs.3,194/- was fixed. Ex.A8 is receipt dated 29.01.1342 Fasli stated to have been given by Zainuddin for Rs.38,194/- towards the compensation for plot No.94 and plot No.104. It was addressed to the Superintending Engineer, OUB Project and it contains a note that the possession of the lands has been taken today.

62. During the cross-examination of PW1 dated 08.10.2005, the Advocate for the respondent No.1 has elicited as under:

“The land of Zainuddin was acquired under notification dated 25<sup>th</sup> Isfandar 1341 Fasli. Part of the land was also acquired under negotiation prior to this notification. The said notification dated 25<sup>th</sup> Isfandar Fasli was published does not refer to any gazette number”.

63. On 29.10.2005, the learned counsel for the respondent No.1 has elicited the following information from PW1.

“I am speaking with reference to the record only and not having personal knowledge about original proceedings of land acquisition.....We have acquired 301 acres in Sy.No.11 from Nawab Moulvi Jainuddin Siddiqui Tahsildar (sic.Makthedar). The entire land of 301.00 acquired from Jainuddin under LA Act”.

64. The information elicited from PW1 by the advocate for the respondent No.1 on 30.11.2005 is as under:

“Sri Jainuddin lands are acquired only under LA proceedings. Under two notifications the land of Jainuddin in Sy.No.11 corresponding to Sy.No.10/1 and 10/2 are acquired. We have filed the Revision Bandobust village map pertaining to Habsiguda village during the year 1346 Fasli. The said two notifications under which the land of Zainuddin were acquired are published in the Gazette. We have filed the said gazette notifications, but not marked the same as on today. Two separate awards were passed under said two notifications in respect of said Jainuddin lands. The entire land in Sy.No.11 was covered under the said two notifications and Awards were passed. Ex.A4 and Ex.A6 are the Awards passed under said two notifications. The compensation of the amount passed under two Awards are paid to Mr.Jainuddin and receipt for payment of compensation under Ex.A6 Award available and filed and marked as Ex.A8. Though no receipt for payment of compensation awarded under Ex.A4 is filed, the said Zainuddin has confirmed the receipt of compensation under Ex.A1 letter. Under Ex.A4 Award, an extent of 144.00 acres and under Ex.A6 Award, an extent of 146.08 guntas of land acquired in Sy.No.11 corresponding to Sy.No.10/1 and 10/2. There is no mention of any provisions of the then Land Acquisition Act in Ex.A4 and Ex.A6”.

65. The following information was elicited from PW1 during his cross-

examination on 16.12.2005 by the advocate for the respondent No.1.

“The two notifications under which the lands of Zainuddin were acquired filed into the Court, but not marked so far. The Land Acquisition notification under which the lands of Jainuddin were acquired were published in the news papers. So far, I have not filed the said notifications published in the news papers. Unless I verify I cannot say whether any preliminary enquiry conducted under LA Act before Final Award is passed. Unless I verify the record I am not in a position to say that we will file official record pertaining to Final Award LA proceedings. Unless I verify the records I cannot say in which year the title was transferred to the Government in respect of Jainuddin lands.... It is true that Ex.A1 and Ex.A2 does not refer any file number pertaining to Land Acquisition proceedings but these documents bears inward numbers....It is true that Ex.A5 does not disclose that the entire land in Sy.No.11 has been acquired....It is true that Ex.A6 is not referring to the total extent of land in Sy.No.11”.

66. During the cross-examination dated 17.06.2006, the advocate for the respondent No.26 has elicited the following information from PW1.

“It is true that in Ex.A1 on page 1 and 2 the signature of executant not found....It is true that on page 1 and 2 of Ex.A2 also the signature of executant not found....Ex.A1 and Ex.A2 executed prior to the Land Acquisition proceedings....It is true that Sy.No.11 is not mentioned in Ex.A1 and Ex.A2 but is it mentioned as Zainuddin’s Makta land, which is in Sy.No.11....Ex.A4 and Ex.A6 are Government documents. Ex.A5, Ex.A7 and Ex.A10 are also Government documents. We have not filed any acknowledgments of Zainuddin for receipt of Ex.A4, Ex.A5 and Ex.A6. Ex.A4 is the inter departmental correspondence between Special Officer, Compensation of Land and Secretary to Government. Ex.A6 speaks about only in respect of Plot No.94 and 104. Unless I verify the records, I cannot say whether survey and inspection was conducted before

initiation of LA Proceedings. The Government appointed Special Officer, Compensation of Lands and Collector, Compensation of Railway lands to acquire the lands of Zainuddin. We have not filed proceedings appointing the aforesaid authorities for acquisition”.

67. During the cross-examination dated 24.06.2006, the advocate for the respondent No.26 has elicited the following information from PW1.

“It is true that in Ex.A4 letter it is mentioned that the land to the extent of Ac.144.00 may be acquired at the rate of Rs.109/- with the approval of the Collector. In Ex.A3 office note it is mentioned that the land to such extent which may cover the amount paid to him be acquired so as to get rid of 6 years dispute. I have not filed copy of any notice issued before acquisition of land with regard to the lands of Jainuddin....We are searching for the original file relating to the land acquisition proceedings in respect of the lands in question, as and when the files are traced we will file the same before this Honourable Court.... So far in the marked documents on behalf of the applicant no document to show the delivery of possession to the government under Land Acquisition Act is filed, except map.... It is true that we have not filed any documents to show that the possession of the land was delivered to the OU after acquisition”.

68. The Advocate for the respondents No.4, 6 to 10, 12, 14 to 17, 20 to 22, 25, 27 to 30 and 32 has elicited the following information from PW1 on 16.09.2006.

“It is true that in Ex.B5 sethwar the land in Sy.No.10/2 recorded in the name of Md.Jainuddin. It is true that in Ex.B8 and Ex.B9 (sic.Ex.B3 and Ex.B4) pahanies for the years 1952 and 1954, the land in Sy.No.10/2 recorded in the name of Jainuddin”.

69. The advocate for the respondent No.4 and others, on 07.10.2006, has

elicited the following information from PW1.

“In Ex.A6 Award there is a mention of one document and enclosure document-D containing the signatures of Syed Ali Raza, Superintending Engineer PWD and Zainuddin. I have not seen the said enclosed document. Unless I see the said document, I cannot say whether as per the said document some identified portion of the land in between newly laid University road and Uppal road left over to Zainuddin”.

70. The advocate for the respondents No.5, 57 and 60 has elicited the following information from PW1 during his cross-examination dated 23.12.2006.

“The total land acquired from Zainuddin was Ac.300.00 in Sy.No.10/1 and 10/2 (new) corresponding old Sy.No.11. There is a notification under the Land Acquisition Act for the said entire extent of Ac.301.00. They are Gazette No. 34 of 1331 Fasli and Gazette No.18 of 1341 Fasli. The said notifications have not been marked as Exhibits on our behalf”.

71. The advocate for the respondents No.26 and 71 to 75 has obtained the following admission from PW1 during his cross-examination on 09.10.2013.

“It is true that the name of Mohammed Zainuddin is recorded as Khatadar in Column No.6 of Ex.A45 in respect of Sy.No.10/2 admeasuring Ac.16.36 guntas and the said entry is marked as Ex.A-45A”.

72. The advocate for the respondent No.1 has elicited the following information from PW1 during his cross-examination on 09.10.2013.

“There were two separate notifications issued earlier one was for Ac.144.00 and subsequent notification was for Ac.146.00 plus Ac.9.33 guntas and two separate awards were passed with respect to the said notifications. The earlier notification was in or about 1331 Fasli. I do

not remember to have filed the said notification”.

73. **Suggestions put to PW1 by the Advocate for the respondent No.1:**

“It is not true to say that Ex.A3 is only an office note and fabricated one. It is not true to say that Ex.A1 is only a correspondence and not receipt of Ex.A4. It is not true to say that Ex.A4 and Ex.A6 are not copies of Award under LA Act. It is not true to say that Ex.A8 is a fabricated document and is not receipt of Ex.A6 and the signature of Zainuddin is forged under Ex.A8. It is not true to say that Ex.A1 to Ex.A8 does not disclose that the lands of Zainuddin have been taken under due process of law”.

74. **Suggestions put to PW1 by the Advocate for the respondent No.26:**

“It is not true to say that the documents Ex.A1, Ex.A2 and Ex.A3 are got up by the Government for the purpose of this case. It is not true to say that Ex.A6 is not an Award. It is not correct to say that the government has not followed procedure laid down in Land Acquisition of 1309 Fasli before acquisition of the lands of Zainuddin. It is not true to say that we have not filed original file relating to the earlier proceedings as there is no such file. It is not true to say that all the documents filed by the government in this case are created for the purpose of this case”.

75. The following suggestions were put to PW1 by the advocate for the respondents No.4, 6 to 10, 12, 14 to 17, 20 to 22, 25, 27 to 30 and 32:

“It is not correct to say that the land in Sy.No.10/2 was not acquired and the podi was done giving separate Sy.No. as 10/2 for unacquired extent. It is not correct to say that the land of an extent

of Ac.9.33 guntas proposed to compensate to Mr.Zainuddin who is not part of Sy.No.10/2. It is not true to say that we have not filed any documentary proof to show that the entire land in Old Sy.No.11 was acquired. It is not correct to say that in all subsequent revenue records the land in Sy.No.10/2 is recorded in the name of Zainuddin and never shown the government or University as its owner till the commencement of this dispute. It is not correct to say that in Ex.B7 village map, the land in Sy.No.10/2 is shown outside the Osmania University boundary. It is not true to say that none of plot No.94, 104 and 111 are co-related to Sy.No.10/2. It is not correct to say that the documents Ex.A1 to Ex.A8 are not pertaining to entire extent of land belonging to Zainuddin”.

76. It was suggested to PW1 by the Advocate for the respondents No.5, 57 and 60 that realizing the lacunae in the said notifications, the same were not marked as exhibits, which he denied.

77. To prove that 144 acres of land (Plot No.110) was acquired from Zainuddin by following the procedure under the Land Acquisition Act, the applicant/government has been relying on Ex.B153 and Ex.A1 to Ex.A5, the details of which are noticed above. As noticed above, Ex.B153, through which the Government proposed to acquire 1077 acres of land at Adikmet, does not contain the survey numbers as well as the names of owners of the lands including the name of Zainuddin to be acquired. It is no doubt true that in Ex.A1, there is a recital that Zainuddin has received Rs.15,685/- in advance as compensation. But, in the said letter he has categorically stated that he cannot handover the possession of the houses until the compensation for

the whole maqta land is decided and paid to him. The applicant/government is relying on Ex.A2 to contend that when the proposal for establishing University was kept in abeyance, Zainuddin was asked to refund the amount of Rs.15,685/- received in advance as compensation and then Zainuddin expressed his inability to refund the said amount and offered to give some land in lieu thereof. Relying on Ex.A3/office note and Ex.A4/letter, the applicant/government is trying to contend that on the representation/Ex.A2 given by Zainuddin, the area of the land to be taken over was determined as 144 acres and the rate per acre was fixed at Rs.109/-. But, it is to be noted that Zainuddin is not a party to Ex.A3 and Ex.A4. Ex.A3 is only an office note through which a decision was taken by the Public Works Department to require the Special Officer, Compensation to determine the extent of the land equivalent to the amount of Rs.15,685/- that was paid in advance as compensation to Zainuddin and through Ex.A4, the Special Officer, Compensation of Lands informed the Secretary to Government, Irrigation and PWD the extent of the land to be taken over from Zainuddin in lieu of the refund of Rs.15,685/-. It is contended by the learned Advocate General for the applicant/government that as could be seen from Ex.A5, the possession of 144 acres of land i.e., plot No.110, was also taken by fixing the boundaries. This Court is unable to accept this contention. Through Ex.A5, Zainuddin was only informed that it was decided to take 144 acres of land in lieu of Rs.15,685/- to be refunded by him i.e., at Rs.109/- per acre. At any rate, even as per the applicant/government, the proceedings/correspondence under Ex.A1 to Ex.A5 have taken place when the land acquisition proceedings that were initiated under Ex.B153 were kept in abeyance.

Further, as admitted by PW1, in his cross-examination, which is noticed above, there is no mention of any provisions of the Land Acquisition Act in Ex.A4. He is not even able to say whether any preliminary enquiry was conducted under the Land Acquisition Act before final award was passed. Further, as admitted by him, Ex.A1 and Ex.A2 do not refer to any file number pertaining to the land acquisition proceedings. As stated by him, the land acquisition notifications, under which the lands of Zainuddin were acquired, were published in the newspapers. But, admittedly, those notifications were not filed. All these circumstances improbably the case of the applicant/government that plot No.110, admeasuring 144 acres of land, in old Sy.No.11 corresponding Sy.Nos. 10/1 and 10/2 of Habsiguda was acquired by following the procedure under the Land Acquisition Act and the possession of the said land was also taken.

78. Coming to the case of the applicant/government that it has acquired plot No.94, admeasuring 146 acres 9 guntas, and plot No.104, admeasuring 9 acres 33 guntas, is concerned, the applicant/government is relying on Ex.B154, Ex.A6 and Ex.B8. But, as noticed above, Ex.B154 through which the government proposed to acquire 1362 acres of land for construction of building of Osmania University does not reflect that the land of Zainuddin in old Sy.No.11 corresponding new Sy.No.10/1 and 10/2 of Habsiguda was also sought to be acquired under the said notification. Through Ex.A6, the Government stated to have fixed the compensation for plot Nos.94 and 104 of Zainuddin. But, as admitted by PW1, in his cross-examination, Ex.A6 is not referring to the total extent of land in Sy.No.11 and there is no mention of any provisions of the Land acquisition Act in Ex.A6. By referring to Ex.A8, it is contended by the learned

Advocate General that Zainuddin has delivered the possession of plot Nos. 94 and 104 also to the Government after receiving the compensation of Rs.38,194/-. But, as seen from the English translation copy of Ex.A8, at the end of the receipt portion, Zainuddin stated to have signed and below the said signature of Zainuddin, a note was appended as “the possession of the lands have been taken today. Please file it” but after the said note, there is no signature of Zainuddin. Referring to this, it is contended by the learned counsel for the respondents that the translated copy is not true replica of original of Ex.A8 and that the note as to the delivery of possession of the land has been inserted subsequently only to suit the case of the applicant/government. Another thing to be noted is that as admitted by PW1, in his cross-examination, in Ex.B5/certified copy of Shetwar for the year 1965, the land in Sy.No.10/2 was recorded in the name of Mohd. Zainuddin and in Ex.B3 and Ex.B4/certified copies of pahanies for the years 1952 and 1954 respectively, the land in Sy.No.10/2 was recorded in the name of Zainuddin and in Ex.A45/supplementary Shetwar for the year 1349 Fasli, the name of Mohd. Zainuddin is recorded as Khatadar in respect of Sy.No.10/2 admeasuring 16 acres 36 guntas. (The said entry is marked as Ex.A45(a)). If really, in 1932 itself, the possession of plot Nos. 94 and 104, which are in Sy.Nos. 10/1 and 10/2, was taken over by the Government under Ex.A8, it is not known as to how in Ex.B2, Ex.B3 and Ex.B5, which are subsequent documents, the name of Zainuddin is recorded against the land in Sy.No.10/2. Further, as admitted by PW1, Ex.A5 and Ex.A6 do not reflect that the total land in Sy.No.11 was acquired. All these things improbablize the case of the applicant/government that the possession of the lands in Plot Nos. 94 and 104 was taken

under Ex.A8 itself. On the other hand, the above circumstances probablize the case of the respondents that the total land of Zainuddin in old Sy.No.11 corresponding Sy.Nos. 10/1 and 10/2 was not acquired and for the acquired land also, the government did not follow the procedure under the provisions of Hyderabad Land Acquisition Act.

79. For the above reasons, this issue is answered against the applicant/government that items No.1 to 3 of the application schedule property were not acquired under the provisions of the Hyderabad Land Acquisition Act.

80. **Additional issue No.3 in LGOP No.08 of 2022:** Whether item No.4 of the application schedule property was partly acquired under the provisions of the Hyderabad Land Acquisition Act and partly by private negotiations?

The case of the applicant/government is that the land admeasuring 94 acres 17 guntas i.e., plot No.111, is in old Sy.Nos.1 to 10 and 16 to 27, corresponding to new survey Nos.1, 92, 2 to 9, 40/1, 40/2, 40/3, 40/4, 40/6, 41 to 52 and out of the said land, the Nizam Government has acquired 88 acres 13 guntas from Manzoor Jung Bahadur and a compensation of Rs.78,482/- was paid to him on 15.04.1347 Fasli and the Government took possession of the said land on 15.05.1347 Fasli; that the remaining land of 6 acres 25 guntas was acquired from Baber Mirza S/o. Manzoor Jung Bahadur by paying compensation of Rs.89,083/-.

81. According to the applicant/government, item No.4 of the application schedule property i.e., 26 acres 14 guntas (plot No.111) forms part of the above 94 acres 27 guntas of land. But, the respondents No.43, 44, 51 and 62 are claiming the said property as of them by stating that their predecessor-in-interest has purchased the said property from one Habeebuddin. So, it is for the applicant/government to prove that the

Nizam Government has acquired item No.4 of the application schedule property through the mode and manner pleaded by it.

82. PW1, K.Dharma Reddy, Special Deputy Collector, Land Protection Cell, Ranga Reddy District, at the relevant time, has reiterated the above case of the applicant/government. Ex.B154 is Gazette notification dated 13<sup>th</sup> Farwardi, 1341 Fasli = 29<sup>th</sup> June, 1932 AD. The said notification was issued under Sections 3 and 5 of the Land Acquisition Act, 1319 Fasli proposing to acquire 1362 acres of land near Adikmet for the purposes of construction of the buildings of Osmania University and the lands that were proposed to be acquired were situated at Lalaguda, Habsiguda, Rahmatpur, Amberpet and Zamistanpur villages. Ex.A10 is a letter dated 3<sup>rd</sup> Amardad 1345 Fasli = 8<sup>th</sup> June, 1936 AD stated to have been given by Saleha Begum, mother of Manzoor Jung, Smt. Ahmed Begum, wife of Manzoor Jung, and Manzoor Jung to the Superintending Engineer, PWD, OUB Project, giving the description of the land admeasuring 95 acres 3 guntas and the structures available therein. Ex.A11 contains the details of the lands with their names and extents. Ex.A12 is proceedings of the 32<sup>nd</sup> meeting of the Osmania University Building Committee held on 1<sup>st</sup> Farwardi 1346 Fasli = 2<sup>nd</sup> February, 1937. From the said proceedings, it appears that the committee has resolved that the land and buildings of Nawab Manzoor Jung Bahadur at Habsiguda, being suitable for women's hostel and play grounds, may be acquired for the University as recommended by the Sub-Committee, provided the Osmania University project does not incur more expenditure than the estimated amount of Rs.75,000/-. Ex.A13 is letter dated 04.04.1937 stated to have been given by Manzoor Jung Bahadur to the Secretary

Osmania University Buildings Committee, Hyderabad Deccan with a request to enhance the compensation concerning the buildings and structures available in the property. Ex.A14 is letter dated 5<sup>th</sup> Sharawar 1346 Fasli = 11.07.1937 AD from the Collector, District Bagath, Head Quarters Balda to the Secretary to the Government, Revenue Department, Hyderabad determining the compensation at Rs.25,185/- for 94 acres 17 guntas. Ex.A16 is letter dated 26<sup>th</sup> Sharawar 1346 Fasli from the Collector, Bhagath District, Balda Head Quarters, to the Superintending Engineer, OUB Project, PWD informing him that Nawab Manzoor Jung Bahadur had told him that land admeasuring 5 acres 22 guntas has been given by him to his son and he is in possession and enjoyment of the same and, therefore, the amount of compensation in respect of the said land is to be deducted. Ex.A16 is letter dated 18<sup>th</sup> Farwardi 1347 Fasli from the Executive Engineer, PWD, OUB Project, Hyderabad, to the Superintendent Engineer, PWD, OUB Project, informing that the possession of the land and houses of Nawab Jung Bahadur was taken and a cheque for Rs.76,959-51-1 was handed over to the said Nawab Manzoor Jung Bahadur. Ex.A17 is statement of possession of land acquired for Osmania University. According to this statement, an extent of 88 acres 25 guntas of land was taken on 15<sup>th</sup> Farwardi 1347 Fasli from Manzoor Jung Bahadur after paying the compensation of Rs.78,482/-. Ex.A39 is receipt dated 15.04.1347 Fasli stated to have been given by Manzoor Jung Bahadur acknowledging the receipt of Rs.78,482/- as compensation from the Collector for the land in Plot No.111.

83. Ex.A26 is letter dated 15.09.1946 stated to have been given by Babar Mirza, son of Manzoor Jung, to the Superintending Engineer, Osmania University,

Adikmet, Hyderabad offering to give his land of 5 acres 32 guntas. Ex.A27 is valuation estimate prepared by Executive Engineer of Osmania University Building Project Division.

84. PW1, in his cross-examination by the Advocate for the respondents No.43, 44, 51 and 52, has stated that he is not aware whether the government issued orders changing the land use from institutional to residential in respect of land in plot No.111 in Sy.Nos.7, 8 and 9 of Habsiguda village. He denied the suggestion that there was no documentary proof in respect of acquisition of plot No.111 which belongs to Habeebuddin and that no compensation was paid to the original owner. He further denied the suggestion that the Government has not acquired the entire land in Sy.Nos.6, 7, 8 and 9 of Habsiguda village and has acquired a part of land only in the said survey numbers and that the documents pertaining to taking possession and delivery of land to the University were all created and that the Government never took possession either from the respondents No.43, 44, 51 and 52 or their predecessors-in-title. He also denied the suggestion that they have not filed any documents pertaining to acquisition of land in plot No.111 till 2003 and the documents filed after 2003 are all fabricated and that the respondents No.43, 44, 51 and 52 are in continuous possession and enjoyment of the land to an extent of 26 acres 14 guntas since 1942 and earlier to that the original owner Habeebuddin was in possession of the said land.

85. It is not in dispute that plot No.111, admeasuring 94 acres 17 guntas in which item No.4 of the application schedule property is situated, originally, belonged to Manzoor Jung Bahadur and his family members. According to the applicant/

government, an extent of 88 acres 13 guntas was acquired from Manzoor Jung Bahadur by paying a compensation of Rs.78,482/- and an extent of 6 acres 25 guntas was acquired from Baber Mirza, S/o.Manzoor Jung Bahadur by paying a compensation of Rs.89,083/-. As contended by the learned Advocate General appearing for the applicant/government, Ex.A10, Ex.A12 Ex.A17 and Ex.A39 prove the fact of acquiring 88 acres 13 guntas of land from Manzoor Jung Bahadur by paying compensation of Rs.78,482/-. But, as seen from Ex.A10, Manzoor Jung Bahadur, his mother and wife stated to have furnished the details of the lands and structures existing therein only and there is no mention that they have offered to give the land to the Nizam Government either under the acquisition proceedings or through private negotiations. Through Ex.A12, the Osmania University Buildings Committee resolved to incur the expenditure not exceeding Rs.75,000/- for acquiring the land and buildings of Nawab Manzoor Jung Bahadur. But, it does not contain the extent or survey number of the land to be acquired. According to the applicant/government, the possession of 88 acres 25 guntas of land in Plot No.17 was taken from Nawab Manzoor Jung Bahadur on 15<sup>th</sup> Farwardi 1347 fasli. There are totally 14 columns in the said statement of possession of land (Ex.A17). At the end of column No.12, Nawab Manzoor Jung Bahadur, being the owner of land, signed the said statement. Column No.13 relates to verification of taking possession and the Assistant Executive Engineer, OUB Project made a certificate as “I certify that the possession of the lands mentioned above has been taken by me as per plan enclosed from Manzoor Jung Bahadur today, the 15<sup>th</sup> Farwardi 1347 fasli”. But, after the said certificate, there is no signature of Nawab Manzoor Jung Bahadur as a

token of accepting the delivery of possession of the land. This circumstance lends support to the case of the respondents No.43, 44, 51 and 52 that the government did not acquire the entire land in plot No.111 and that a part of the land in the said plot i.e., 26 acres 14 guntas, is in their possession.

86. Coming to the acquisition of 5 acres 32 guntas of land from Baber Mirza, S/o.Manzoor Jung Bahadur, it is the case of the applicant/government that the said land was acquired by paying compensation of Rs.89,083/-. But, it did not state under what mode the said land was acquired. Further, there is nothing on record to say that the said amount of Rs.89,083/- was paid to Baber Mirza. Yet another thing to be noted is that through Ex.A24/letter dated 28.06.1348 Fasli = 02.04.1939 A.D., the Superintending Engineer, PWD, OUB Project informed the Tahsildar, East Taluq, Amberpet that mutation done in the name of Baber Mirza for 5 acres 36 guntas of land itself is not correct and that the patwari concerned has received orders from Survey and Settlement Department to mutate the patta in respect of the said land in the name of one Syed Anwarul Haq. When the own document of the applicant/government shows that 5 acres 32 guntas of land does not belong to Baber Mirza, it is not known as to how it could contend that the Nizam Government has acquired the said land by paying compensation of Rs.89,083/- to Baber Mirza.

87. As noticed above, the documents produced by the applicant/government itself are self-contradictory and further, there is no record to show as to which part of item No.4 of the application schedule property was acquired under the provisions of Hyderabad Land Acquisition Act and which part of the said property was acquired by

private negotiations. Further, as per Ex.A24, the land of 5 acres 32 guntas stated to have been acquired from Baber Mirza, S/o.Mazoor Jung Bahadur, does not belong to said Baber Mirza at all. So, the case of the applicant/government that a part of item No.4 of the application schedule property was acquired under the provisions of Hyderabad Land Acquisition Act and another part was acquired by private negotiations is quite improbable. This issue is, therefore, answered against the applicant/government.

**88. Issue Nos.1 to 3 and Additional Issue Nos. 5 and 6 in LGOP No.08 of 2022 :**

**Issue Nos.1 to 3:**

- 1) Whether the applicant is the owner of the application schedule property?
- 2) Whether the rival title set up by the respondents is true, valid and binding on the application?
- 3) Whether the adverse possession set up by the respondents is true, valid and binding on the applicant?

**Additional issue Nos. 5 and 6:**

- 5) Whether the respondents have title to the application schedule property?
- 6) Whether the respondents are land grabbers and liable for eviction?

Since these issues are interlinked, they are being taken up for discussion together so that repetition of pleadings and evidence can be avoided.

89. There are four items in application schedule properties i.e., plot No.104 admeasuring 9 acres 33 guntas, old Sy.No. 11 corresponding new Sy.No.10/1 (item No.1); Plot No.94, admeasuring 10 acres 20 guntas, old Sy.No.11 corresponding new Sy.Nos.10/1 and 10/2 (item No.2); plot No.110, admeasuring 9 acres 33 guntas, old Sy.No.11 corresponding new Sy.No.10/2 (item No.3) and plot No.111, admeasuring 26 acres 14 guntas, old Sy.Nos. 1 to 10, corresponding new survey numbers 1/P, 2/P and 3 to 9 (item No.4).

90. As noticed above, originally, the proceedings were commenced vide O.S 36 of 1986 on the file of the Court of Principal Subordinate Judge, Ranga Reddy District and later, the said suit was transferred to the Special Court constituted under the A.P. Land Grabbing (Prohibition) Act, Hyderabad and there it was registered as LGC No.40 of 2003 and on repealing of the Act, the said LGC No.40 of 2003 was transferred to the District Court, Ranga Reddy District where it was registered as LGOP No. 1156 of 2016 and later, on creation of new judicial districts, the said LGOP was transferred to this Court on the point of territorial jurisdiction and re-registered as LGOP No.08 of 2022.

91. As pleaded by the applicant/government in the plaint in O.S.No.36 of 1986, it is the owner of the application schedule properties having acquired the same lawfully under the provisions of the Land Acquisition Act and it has taken the possession of the said property from its previous owner as far back as in 1336 Fasli. In the concise statement filed before the Special Court also, the applicant/government has pleaded so.

92. The respondents are claiming the ownership and possession over different extents/plots in application schedule properties and the details are as under:

| Sl.No. | Defendant/<br>Respondent<br>No. | Plot Nos. and<br>extents        | Mode of acquisition                                                                                                                                                                                                | Exhibit Nos. |
|--------|---------------------------------|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 1      | D1/R1                           | Total property<br>in Sy.No.10/1 | Claims to be the sister of Habeebuddin – He gifted the entire property on 18.7.1964                                                                                                                                |              |
| 2      | D2/R2                           | Ac.12.32<br>guntas              | Ravi Subba Rao and P.Nagabhushanam have jointly purchased an extent of Ac.12.32 guntas, in Sy.No.10/2, each having 35% and 65% joint interest respectively vide regular registered sale deed dated 08.08.1965 from |              |

|    |                                                |                                                                                            |                                                                                                                                                                                                                                                                                                     |
|----|------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                                                |                                                                                            | Habeebuddin and the defendant No.1.<br>The defendant No.2 being the wife of<br>Ravi Subba Rao got 35% share in the<br>property after the death of Ravi Subba<br>Rao                                                                                                                                 |
| 3  | D3/R3                                          | Ac.26.14                                                                                   | Purchased from Habeebuddin on<br>guntas – Item09.12.1967<br>No.4 (Plot<br>No.111) of the<br>application<br>schedule<br>property                                                                                                                                                                     |
| 4  | D4 and<br>D32/R4 and<br>R32                    | 19 acres 844                                                                               | Purchased from Habeebuddin under aEx.B60 to<br>sq.yards out of registered sale deed dated 28.11.1962 Ex.B77<br>Sy.No.10/2                                                                                                                                                                           |
| 5  | D5/R5                                          | Ac.22.00                                                                                   | inPurchased from Habeebuddin in 1966<br>Sy.No.10/1 and<br>Ac.2.00 in<br>Sy.No.10/2                                                                                                                                                                                                                  |
| 6  | D6/R6                                          | Plot No.151,                                                                               | Purchased from Ravi Subba Rao andEx.B25<br>extent 1360Naghabushanam<br>sq.yards in<br>Sy.No.10/2                                                                                                                                                                                                    |
| 7  | D7 to D10/R7<br>to R10                         | plot Nos.161,<br>162, 163,<br>extent 1972                                                  | Purchased from Ravi Subba Rao and Ex.B1 to Ex.B22<br>Naghabushanam under a registered sale<br>deed dated 08.01.1965<br>sq.yards in<br>Sy.No.10/2                                                                                                                                                    |
| 8  | D11 to D22<br>and D25/R11<br>to R22 and<br>R25 | Plot Nos.150,<br>90, 148, 70,<br>133, 88, 89,<br>147, 92, 119,<br>69, 137 in<br>Sy.No.10/2 | Purchased from Ravi Subba Rao andEx.B28, Ex.B29,<br>Naghabushanam under differentEx.B31, Ex.B32,<br>registered sale deeds Ex.B34                                                                                                                                                                    |
| 9  | D23/R23                                        | Plot No.52,                                                                                | Purchased from Ravi Subba Rao and<br>extent 1075Naghabushanam under a registered sale<br>sq.yards indeed dated 15.5.1965<br>Sy.No.10/2                                                                                                                                                              |
| 10 | D24/R24                                        | Plot No.134,                                                                               | Purchased under a registered sale deedEx.B24<br>extent 555bearing document No.1576/1985 dated<br>sq.yards in2.4.1985 from D.Seetaram, who, in<br>Sy.No.10/2 turn, purchased from Ravi Subbarao and<br>P.Nagabhushanam under a registered<br>sale deed dated 14.12.1965, registered<br>on 08.01.1966 |
| 11 | D26/R26                                        | Ac.4.20 guntas                                                                             | Purchased from Ravi Subbarao under anEx.B33<br>agreement of sale dated 01.08.1967 and                                                                                                                                                                                                               |

|    |                         |                                                                        |                                                                                                                                                                |                                                 |
|----|-------------------------|------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
|    |                         |                                                                        | later obtained regular sale deed from the Court by filing a suit.                                                                                              |                                                 |
| 12 | D31/R31                 | 500 sq.yards in item No.3 i.e., Sy.No.10/2                             | Purchased from Habeebuddin                                                                                                                                     | Ex.B149 to Ex.B151                              |
| 13 | D33 and D34/R33 and R34 | Suit schedule property                                                 | Claiming through Zainuddin                                                                                                                                     |                                                 |
| 14 | D35/R35                 | Suit schedule property                                                 | Claiming through acquisition                                                                                                                                   | Ex.B152 to Ex.163 and Ex.B153(a) and Ex.B154(a) |
| 15 | D47/R47                 | Ac.22.33 guntas of land                                                | Purchased under agreements of sale from the defendant No.1, G.Venkateswhar Rao and G.Chandra Rao – O.S.No.59 of 1994 filed for specific performance – Decreed. |                                                 |
| 16 | R48 to R50              | One plot each in Sy.No.10/2                                            | Purchased from Ravi Subba Rao and P.Nagabhushanam                                                                                                              | Ex.B23, Ex.B30                                  |
| 17 | R53 and R54             | Plot No.87, extent 555.5 sq.yards in Sy.No.10/2                        | Purchased under a registered sale deed dated 13.08.1982 from Tummala Subramanyam and Tummala Venkata Ramalingeshwara Rao Satya Prasad                          | Ex.B146 to Ex.B148                              |
| 18 | R55, R56 and R62        | Plot Nos.50, 51 and 86 in Sy.No.10/2.                                  | Purchased from P.Nagabhushanam and Ravi Subba Rao                                                                                                              | Ex.B78, Ex.B79,                                 |
| 19 | R71 to R75              | Shops constructed by R4 and R32 in Sy.No.10/2.                         | Purchased by R4 and R32 from Habeebuddin and Saleemunnisa Begum                                                                                                | Ex.B112 to Ex.B140                              |
| 20 | R79 to R86              | Ac.26.00 in Sy.Nos.5 to 9                                              | By way of succession from Syed Yousuf Mohd.Mohammedul Hussaini                                                                                                 |                                                 |
| 21 | R92 to R97              |                                                                        | Being the Lrs of the respondent No.27                                                                                                                          |                                                 |
| 22 | R61                     | Plot No.88 extent 555 sq.yards in Sy.No.10/2                           | Father of R61 purchased under a registered sale deed dated 7.10.1965 from Paladugu Nagabhushanam and Ravi Subba Rao                                            |                                                 |
| 23 | R91                     | Plot No.71, extent 555 sq.yards in Sy.No.10/2                          | Purchased under a registered sale deed dated 7.10.1965 from Paladugu Nagabhushanam and Ravi Subba Rao                                                          |                                                 |
| 24 | R43, R44, R51 and R52   | Ac.26.14 guntas in Plot No.111, Old Sy.Nos.1 and 3 to 10 corresponding | Claiming through Habeebuddin by way of succession                                                                                                              | Ex.B80 to Ex.B99 and Ex.B141                    |

new  
Sy.Nos.1/P,  
2/P, 3 to 9

93. The learned government pleader representing the applicant/government filed written arguments wherein he required the Court to answer the following points also.

- 1) Whether Judgment and decree in suit O.S.No.2/1 of 1956 renumbered as OS No.1/58 on the file of the II Additional Judge, CCC, Hyderabad to which State of AP applicant is not party is binding on the applicant and would operate as Res judicata in the present proceedings?
- 2) Whether Habeebuddin was cousin brother of Zainuddin Maktehdar as claimed by Habeebuddin?
- 3) Whether Saleemunnisa Begum was alleged sister of Habeebuddin as claimed by her?
- 4) Whether claim of Habeebuddin that he succeeded to the Estate of Zainuddin as Maktehdar is true?
- 5) Whether Habeebuddin as Maktehdar could claim about ownership rights to the property and was in possession thereof?
- 6) Whether Habeebuddin had competency to alienate any portion of the property in favour of third parties?
- 7) Whether Habeebuddin was owner and possessor of land covered by Survey (Old) No.1 to 10, 16 to 36, New Sy.No.1 to 9, 40/1 to 40/5, 41 to 52 and 92 of Habsiguda of which item No.4 of schedule land covered by plot No.111 admeasuring 26 acres 14 guntas forms part?
- 8) Whether extent of 26 acres and 14 guntas covered by plot No.111 which is item No.4 was not acquired by the Nizam Govt from Manzoor Jung and his family members for the benefit and requirement of the Osmania University?
- 9) Whether Habeebuddin was not evicted from Plot No.94, 104 and 111 on 03.06.1967 pursuant to eviction order passed under Land Encroachment Act Proceedings as contended by the respondents?
- 10) Whether Habeebuddin who claims to be Maktehdar is entitled to claim perfection of the title by adverse possession?
- 11) Whether Maqta is not grant by crown of the Govt. and possession of Maqtedar is not permissive in nature?
- 12) Whether sale-deeds set up by Ravi Subba Rao and Nagabhusham, Bandi Krishna Rao, Velluri Keshav Rao and Tummala Krishna Rao are true, valid and binding on the applicant government?
- 13) Whether opinions given by the Advocate General to the State Government is binding on the applicant Government and the applicant is estopped from

initiating proceedings against encroachers or third parties to claim reliefs?

14) Whether purchasers from Habeebuddin are entitled to claim perfection of title by adverse possession?

15) Whether person setting up title in himself by adverse possession is not bound to accept ownership of person against whom adverse possession is set up?

16) What is the extent of land actually acquired from Zainuddin and covered by which plot numbers of the University plan and covered by which Revenue Survey numbers notified in Land acquisition notification published in Gazetted (Jareda) of HEH the Nizam's Govt.?

17) What is actual extent of land taken possession from Zainuddin?

18) Whether any land out of acquired land was agreed to be given in exchange to Zainuddin for taking over possession of equal extent in unacquired portion of land of Zainuddin?

19) Whether possession of any land extent out of acquired land was given to Zainuddin in exchange arrangement and if not whether entire land remained in possession of government?

20) What is extent of land taken over, on negotiation with Manzoor Jung and his family members and payment of compensation for acquiring land in that process?

21) Whether lands claimed by contesting original defendant as having been purchased from Habeebuddin form part of Zainuddin Maqta land or land of Manzoor Jung and family members?

22) Lands claimed by the contesting original defendants namely (1) Bandi Krishna Rao (2) Ravi Subba Rao and Nagabhushnam (3) Velluri Keshav Rao (4) Tummala Krishna Rao and others formed part of land of Manzoor Jung and family and whether Habeebuddin was competent to sell such lands. Whether the defendants have valid and legal title to the same?

94. During the course of hearing, the learned counsel for the respondent No.35, while addressing the issue relating to the power of Tribunal/Special Court constituted under the Act, cited the following judgments of the Hon'ble Supreme Court:

- i. AIR Supreme Court 1081 = 1982 (2) SCC 134 (Govt. of AP v. Thummala Krishna Rao and another) This case is commented by the Supreme Court in V.Laxminarasamma v. A.Yadaiah (dead) and Ors reported in 2009 (5) SCC 478 (Paragraph No.42)
- ii. AIR 2002 Supreme Court 1012 (Konda Lakshmana Bapuji v. Government of AP and others)
- iii. AIR 2006 Supreme Court 3691 (N.Srinivasa Rao v. Spl. Court under AP Land Grabbing (Prohibition) Act and Others)

- iv. 2009(5) SCC 478 (V.Laxminarasamma v. A.Yadaiah (dead) and Others)
- v. 2009 AIR SCW 2304 = 2009 LawSuit (SC) 1076 – 2009 (12) SCC 544 (V.Laxminarasamma v. A.Yadaiah (dead) and others)

95. As held by the Hon'ble Supreme Court in the above decisions, the Tribunals/Special Courts have both civil and criminal jurisdiction and the provisions of the Civil Procedure Code and Criminal Procedure Code are ordinarily applicable, subject, of course, to the provisions to the contrary. It also safeguards the interest of the noticees from vexations or frivolous litigations. A legal friction is created that the Special Court would be civil Court and/or Court of Session and would otherwise have the same power as civil Court/Court of Session. The Special Courts and Tribunals, indisputably, are entitled to determine any question or issue including the question of title or possession in the proceedings initiated before it. Special Courts and Tribunals not only have trappings of a Court but also of a civil Court and, thus, are entitled to determine complicated questions of title. Being a 'Court', the provisions of the Evidence Act would also be applicable.

96. During the course of hearing, it is contended by the learned Advocate General that as per Section 10 of the Act, where in any proceedings under the Act, a land is alleged to have been grabbed, the Special Court or as the case may be the Special Tribunal shall presume that the person who is alleged to have grabbed the land is a 'land grabber' and the burden of proving that the land has not been grabbed by him shall be on such person and, therefore, it is for the respondents to prove that they have valid title in respect of the lands/plots being claimed by them and that they are not the land grabbers within the meaning of the word 'land grabber' defined in Section 2(d) of the Act. In

order to appreciate this contention of the learned Advocate General, it is necessary to notice Section 10 of the Act and the same reads as under:

**10. Burden of proof:-** Where in any proceedings under this Act, a land is alleged to have been grabbed, and such land is prima facie proved to be the land owned by the Government or by a private person the Special Court or as the case may be, the Special Tribunal shall presume that the person who is alleged to have grabbed the land is a land grabber and the burden of proving that the land has not been grabbed by him shall be on such person.

97. A plain reading of the above Section would indicate that in any proceedings under the Act, where the land is alleged to have been grabbed and such land is prima facie proved to be the land owned by the government, or by a private person, the Special Court/Special Tribunal shall presume that the person alleged to have grabbed the land is a 'land grabber'. Thus, the person who alleges that the other person has committed an act of grabbing, shall prima facie prove that the land owned by the government or by a private person, etc., has been grabbed. In other words, the burden of proof under the Section is shifted on the alleged land grabber only where there is prima facie proof that the land belongs to the government or a private person, etc.

98. In this context, it is necessary to notice the judgments cited by the learned counsel appearing for the respondents and they are as under:

- a) *K.Sharada Bai v. Shamshunnisa* [(2008) 3 SCC 49]
- b) *State of AP v. Hyderabad Potteries (P) Limited* [(2010) 5 SCC 382]
- c) *V.Laxminarsamma v. A.Yadaiah* [(2009) 5 SCC 478]
- d) *Shalivahana Builders Private Limited v. Sri Ganapathy Co-operative* [2003(2) ALT 511 (D.B)]
- e) *Abdul Khuddus v. State of AP* [1998 (3) APLJ 374 (DB)]

99. In *K.Sharada Bai's* case (supra), the Hon'ble Supreme Court, after referring to the definitions of 'land grabbing' and 'land grabber' as defined in Section 2(e) and Section 2(d) of the Act respectively, held that in view of the said statutory provisions and of the claim of the applicant that she is the original owner of the schedule property and her land was grabbed by the appellants, the initial burden is on her to prove her right and title to the property and if the same is discharged, the burden shifts on to the respondents.

100. As held by the Hon'ble Supreme Court in *Hyderabad Potteries (P) Limited's* case (supra), as per Section 10 of the Act, the initial burden would be on the applicant to prove his right and title to the property.

101. The Hon'ble Supreme Court in *V.Laxminarsamma's* case, at para No.36, held as under:

“Only because the burden of proof is on the noticee, the same would not mean that he has been deprived of his right to defend himself in the proceedings. Burden of proof is in the realm of procedural law. By reason of such a provision, substantive right of the parties on an immovable property is not taken away. Jurisdiction is exercised by the Tribunal and/or Special Court upon arriving at a satisfaction in regard to existence of jurisdictional fact”.

102. The Hon'ble High Court of Andhra Pradesh in *Shalivahana Builders Private Limited's* case (supra) held that the applicants in law are required to prima facie prove that the land alleged to have been grabbed is a land owned by the applicants and thereafter only, a presumption arises that a person who is alleged to have grabbed the land is a 'land grabber' and the burden of proving that the land has not been grabbed by

him is on such person.

103. The Hon'ble High Court of Andhra Pradesh in another decision in *Abdul Khuddus* case (supra) held that the initial burden is on the complainant, whether it is government or a private person, to prima facie prove that the land grabbed belonged to it/him and if such burden is discharged satisfactorily, then what follows is the presumption that the land is grabbed and that the alleged land grabber shall prove that the land in question has not been grabbed by him.

104. In view of the principle contained in Section 10 of the Act as well as the ratio laid down by the Hon'ble Supreme Court and the Hon'ble High Court of Andhra Pradesh in the above decisions, the initial burden is on the applicant/government to prove that the land alleged to have been grabbed by the respondents is the land owned by it and on such proving only, the burden shifts on to the respondents to prove that they are not the land grabbers.

105. PW1 has reiterated the case of the applicant/government that it has acquired the application schedule properties lawfully by following the provisions of the Land Acquisition Act and it has even taken possession of the said properties from its previous owners. On the other hand, the witnesses of the respondents have reiterated their respective cases. But, as held in additional issue No.2, the applicant/government failed to prove that it has acquired items No.1 to 3 of the application schedule properties and as held in additional issue No.3, it (applicant/government) failed to establish that it has acquired item No.4 of the application schedule property partly under the provisions of the Hyderabad Land Acquisition Act and partly by private negotiations.

106. As seen from Ex.B153, Gazette notification dated 21<sup>st</sup> Amardad 1331 Fasli = 26<sup>th</sup> June, 1926 AD, the Public Works Department of Government has proposed to acquire 1077 acres of land for the purpose of construction of buildings of Osmania University. According to the applicant/government, the said proposal was kept in abeyance for some time and later it was revived and thereafter, another Gazette notification vide Ex.B154 dated 25<sup>th</sup> Isfandar 1341 Fasli = 29<sup>th</sup> January, 1932 AD was issued proposing to acquire 1362 acres of land for construction of buildings of Osmania University.

107. PW1, during his cross-examination, to a query put to him as “notwithstanding the revenue records showing OU as the pattedar and title holder, Government is claiming as owner of the subject lands on what basis?”, PW1 has answered that the Government has acquired the land for the purpose of Osmania University. He has further stated that after evicting the encroachers during the year 1967, the government handed over possession of the land to Osmania University. It is a fact that by Act No.IX of 1959, an Act called ‘the Osmania University Act, 1959’ was enacted by the Legislature of the State of Andhra Pradesh to amend and consolidate the law relating to the Osmania University. So, the Osmania University is a separate entity and its administration is governed by the provisions of the Osmania University Act, 1959. Section 51 (2) (d) of the said Act reads as under:

“all property, movable or immovable and all rights, interest of whatever kind, powers and privileges of the University constituted under the said Charter shall be transferred to and vest in the University and shall be applied to the objects and purposes for which the University is constituted”.

108. When the subject land was acquired for the purpose of Osmania University and when the said land was handed over to the said University, as rightly contended by the learned counsel appearing for the respondents, the applicant/government shall not claim any manner of right, title or interest over the said land/property.

109. The learned government pleader in his written submissions contended that Mr.Zainuddin was Maqtedar in respect of the subject property which would mean that he was not the actual owner and ‘makta’ means it is a kind of grant, comparing to the Jagir, and it was a smaller area and was being administered by Jagirdar, holding the Jagir village and under Inams Abolition Act, 1955, all inams were abolished and revoked and so those properties became vested with the Government and so, the application schedule properties are to be treated as the properties of the applicant/government. He, in support of this contention, cited the following judgments:

1. **AIR 1955 SC 352** (*AMEER-UN-NISSA BEGUM AND OTHERS v. MAHBOOB BEGUM AND OTHERS*)
2. **AIR 1956 SC 60** (*DIRECTOR OF ENDOWMENTS, GOVERNMENT OF HYDERABAD AND OTHERS v. AKRAM ALI*)
3. **AIR 1962 SC 141** (*RAJAH S. V JAGANNATH RAO v. COMMISSIONER OF INCOME TAX, HYDERABAD*)
4. **AIR 1962 SC 996** (*SIKANDER JEHAN BEGUM AND ANOTHER v. ANDHRA PRADESH STATE GOVERNMENT AND OTHERS*)

110. But, it is to be noted the applicant/government did not plead so either in the plaint filed in O.S.No.36 of 1986 or in the concise statement filed in LGC No.40 of 2003. What all pleaded by it is that it became the owner of the application schedule property having acquired the same under the provisions of the Land

Acquisition Act, which, as noticed have, it failed to establish. Further, as admitted by PW1, the application schedule property was acquired for Osmania University, which is a separate entity under the provisions of the Osmania University Act, 1959, and the possession of the said property was also handed over to it. The applicant, which is supposed to prima facie prove its right and interest in the application schedule property, cannot take inconsistent stand regarding its acquiring right, title and interest over the application schedule property.

111. The learned counsel for the respondent No.35/Osmania University in his written arguments contended that some of the contesting respondents have raised a plea to claim title by relying upon revenue records in their names, but, the entries in revenue records are for fiscal purpose for collection of land revenue and there are no documents of title in their favour and so, they cannot claim any right and interest over any piece of the application schedule properties based on such entries. He, in support of this contention, cited the following judgments.

1. [(1974) 1 SCC 6750 (*Shikharchand Jain v. Digamber Jain Praband Karini Sabha and others*)
2. [(1977) 2 SCC 49] (*Tata Engineering and Locomotive Co-Ltd Bombay v. The Registrar of the Restrictive Trade Agreement, New Delhi*)
3. [(1996) 6 SCC 223] (*Sawarni (Smt) v. Inder Kaur (Smt.) and others*)
4. [(1996) 11 SCC 257] (*State of HP v. Keshav Ram and others*)
5. [(1997) 7 SCC 137] (*Balwant Singh and another v. Daulat Singh (Dead) by Lrs. and others*)
6. 2021 SCC Online SC 802 (*Jitendra Singh v. State of Madhya Pradesh and others*)
7. Civil Appeal No. 7210 of 2011 decided on 20.11.2023 (*P.Kishore Kumar v. Vittal K.Patkar*)

112. But, as noticed above, in view of the principle contained in Section 10 of

the Act as well as the ratio laid down by the Hon'ble Supreme Court, the initial burden is on the applicant/government to prove that it became the owner of the application schedule property through the mode and manner pleaded by it and the respondents have grabbed the said property. But, it failed to do so. Further, admittedly, in earlier round of litigation, the respondent No.35/Osmania University filed a suit being O.S No.2/1 of 1956 (New O.S.No.01 of 1958) against one Habeebuddin, through whom some of the respondents are claiming right and interest over pieces of land in the application schedule property, for recovery of possession of items No.1, 2 and 4 of the application schedule property and the said suit was dismissed vide judgment dated 30.01.1959 (Ex.B6/Ex.B50/Ex.B83) and against the same, the respondent No.35/Osmania University filed an appeal being CCCA No.61 of 1959, but, the Hon'ble High Court vide judgment and decree dated 24.01.1964 (Ex.B51 and Ex.B52) dismissed the said appeal and the same has become final. So, as rightly contended by the learned counsel for the contesting respondents, the respondent No.35/Osmania University having lost its case in respect of items No.2 to 4 of the application schedule property against Habeebuddin, through whom some of the respondents are claiming right, title and interest over some pieces of land in the application schedule property, cannot re-agitate its case again in respect of the said property and find fault with the claim of some of the contesting respondents in respect of the said property.

113. The reliefs sought in O.S.No.36 of 1986 and the reliefs sought in LGC No.40 of 2003, in the given facts and circumstances, have some significance and hence they are extracted below:

**Reliefs sought in OS No. 36 of 1986**

It is therefore prayed that the Hon'ble Court may be pleased to declare that:

- i) that the title of the plaintiff for the plaint schedule properties as its owner.
- ii) for a permanent injunction to restrain the defendants from interfering with plaintiff's possession and enjoyment of the suit properties.
- iii) Alternatively, it is also prayed that if the Hon'ble Court were to held that the plaintiff is not in possession of any or all of the lands, grant a decree also for possession of such lands which were found to be not in possession of the plaintiff.
- iv) for cost and such other reliefs as Hon'ble Court deems fit and proper in the circumstances of the case.

**Reliefs sought in LGC No. 40 of 2003**

It is therefore prayed that this Hon'ble Court may be pleased to declare that the Applicant is the owner of the Application scheduled land, to award the Cost of the Application and pass such other order or grant relief in the relief in the interest of justice, to evict the Respondents from the Application scheduled land and deliver back the vacant possession of the land to the Applicant to award Compensation at the rate of Rs.20,000/- per month for wrongful possession of land of Applicant by the Respondents, to punish the Respondents under Sections 3 and 4 of AP Land Grabbing Prohibition Act, 1982, to award the Costs of the Petition and to pass such other Order or Orders as the Hon'ble Court deems fit and proper in the circumstances of the case.

114. In para No.8 of the plaint in O.S.No.36 of 1986, it is stated as under:

“It may be stated here that Habeebuddin was evicted on 30.06.1967 and possession was taken by the plaintiff of the lands which were illegally occupied by him”.

115. In para No.10 of the said plaint, it is stated as under:

“The plaintiff has been in possession as the owner of both these plots namely 9 acres 33 guntas of plot No.104 excluding the portion of Mosque, Durga and grave yard etc. about 22 guntas. There are constructions both in plot No.104 and 110. Late Habeebuddin was never in possession of plot No.104 as claimed by him”.

116. PW1, during his cross-examination by the advocate for the respondents No.63 to 70, has admitted as under:

“It is correct to say that in the year 1967, State government handed over

the land to the OU after evicting the encroachers”.

117. From the reliefs sought by the applicant/government in the suit, which are noticed above, it is obvious that the applicant/government is seeking a relief of permanent injunction to restrain the defendants from interfering with its possession and enjoyment of the suit properties and alternatively, it sought a decree of possession of suit properties if the Court comes to a conclusion that it (applicant) is not in possession of any or all of the lands. These two reliefs are mutually inconsistent and destructive with each other. Further, the applicant/government, having pleaded in the body of the plaint that after evicting Habeebuddin on 03.06.1967 it has taken possession of the suit schedule properties, it is not known as to why it sought alternative relief of recovery of possession of the application/suit schedule property. Another thing to be noted is that in the application in LGC No.40 of 2003, the applicant/government, while seeking a declaration that it is the owner of the application schedule property, sought to evict the respondents from the application schedule property and deliver back the vacant possession of the said property to it. It also sought compensation at Rs.20,000/- per month. This relief is again contra and inconsistent to either of the above reliefs sought in the suit. It is, thus, obvious that the applicant/government is not sure whether it is in possession of the application schedule property or not. It is also not sure as to which of the respondents are in possession and enjoyment of which part of the application schedule property. Besides all, as admitted by PW1, in his cross-examination, during the year 1967 itself, i.e., so many years prior to filing of the suit on 17.01.1986, the State

Government handed over the land to Osmania University (respondent No.35) after evicting the encroachers. Further, as stated by PW1, they have not mentioned the individual extents grabbed by the respondents in the application. It is, thus, obvious that the case of the applicant/government as regards the reliefs sought and also the possession of the application schedule property is self-inconsistent.

118. As per Order VII Rule 3 of the Code of Civil Procedure, where the subject-matter of the suit is immoveable property, the plaint shall contain a description of the property sufficient to identify it, and in case such property can be identified by boundaries or numbers in a record of settlement or survey, the plaint shall specify such boundaries or numbers. But, neither the plaint in O.S.No.36 of 1986 nor the application in LGC No. 40 of 2003 does not say the extent of the land stated to have been encroached/grabbed by each of the respondents. The applicant/government has only made an omnibus statement that the respondents have grabbed items No.1 to 4 of the suit schedule properties. When the applicant/government did not plead the extents of land grabbed by the respondents separately/specifically, it would not be entitled to seek dispossession of the respondents from the extents of the land alleged to have been encroached/grabbed by them.

119. During the course of hearing, the learned Advocate General, while inviting the attention of the Court to the relief of permanent injunction sought in O.S No.36 of 1986, contended that even an attempt to grab amounts to 'land grabbing' and hence, the respondents are to be declared as 'land grabbers' and consequently, they are to be directed to hand over the possession of the application schedule property to the

applicant/government.

120. Section 2(d) of the Act defines the term “land grabber” and it means a person or a group of persons who commits land grabbing and includes any person who gives financial aid to any person for taking illegal possession of lands or for construction of unauthorised structures thereon, or who collects or attempts to collect from any occupiers of such lands rent, compensation and other charges by criminal intimidation, or who abets the doing of any of the above mentioned acts; and also includes the successors in interest.

121. As defined in Section 2(e) of the Act, “land grabbing” means every activity of grabbing of any land (whether belonging to the Government, a local authority, a religious or charitable institution or endowment, including a wakf, or any other private person) by a person or group of persons, without any lawful entitlement and with a view to illegally taking possession of such lands, or enter into or create illegal tenancies or lease and licensee agreements or any other illegal agreements in respect of such lands, or to construct unauthorised structures thereon for sale or hire, or give such lands to any person on rental or lease and licence basis for construction, or use and occupation, of unauthorised structures; and the term “to grab land” shall be construed accordingly.

122. As held by the Hon’ble Supreme Court in *N.Srinivasa Rao v. Special Court under AP Land Grabbing (Prohibition) and others* [(2006) 4 SCC 214], attempt to dispossess the persons in possession of the land in question without actually obtaining the possession of land does not constitute an act of land grabbing within the meaning of

Section 2(e) of the Act. In *Hindusthan Aeronautics Employees Co-operative Housing Society Limited v. Special Court* represented by Registrar, Hyderabad and others [AIR 2005 AP 76], a larger bench of the Hon'ble High Court of Andhra Pradesh had considered the question whether an attempt to grab land falls within the definition of 'land grabbing' under clause (e) of Section 2 of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982. The Hon'ble High Court, after a detailed survey of the case law on the subject and referring to the relevant provisions in the Act, held that an attempt to grab the land cannot be treated as an act of 'land grabbing' as defined under Section 2(e) of the Act and the Special Court or Special Tribunal constituted thereunder does not have jurisdiction to entertain matters based on the allegations of attempt to grab the land. So, even if it is assumed for a moment that the respondents have attempted to grab the application schedule property, the same does not amount to 'land grabbing' within the meaning of Section 2(e) of the Act. It appears that the learned Advocate General has raised such a contention to overcome the inconsistent reliefs sought in the suit and in LGC.

123. It is next contended by the learned Advocate General that some of the contesting respondents took a plea that they have perfected title by adverse possession and that amounts to an admission on their part that the applicant/government is the owner of the application schedule property and so, without requiring any further proof, the applicant/government can be declared as owner of the application schedule property and the respondents can be directed to vacate and hand over the possession of the said property to the applicant/government. It is also contended by him that since the

applicant is Government, the person who claims right by adverse possession of the property shall prove that he is in possession of the property for 30 years and more continuously and without any break, but, in 1967 itself, Habeebuddin, through whom some of the respondents are claiming right and interest, and other encroachers were evicted from the land and the land was delivered back to Osmania University and thereby, there was effective break to the trespassers' adverse possession and hence, the respondents cannot claim any right over any piece of application schedule property on the principle of adverse possession. He, in support of this contention, cited the following judgments:

- a) *Girish Chandra Pal v. Baikuntha Nath Singha and Others* reported in AIR 1925 Cal 270.
- b) *Dandamudi Narasayya v. Movva Subbaiah* reported in 1942(2) M.L.J 266 = AIR 1942 MAD 728.
- c) *Manikyala Rao v. Narasimha Swami* reported in AIR 1966 SC 470
- d) *Sri Radha Krishna Choudarji v. Ram Bahadur* reported in (1918) 20 BOM L.R. 502 (P.C) = 22 CAL WEEKLY NOTES 330

124. Here, at the cost of repetition, it is to be stated that in the plaint in O.S. No.36 of 1986 and application in LGC No.40 of 2003, it was pleaded by the applicant/government that it, having evicted Habeebuddin on 03.06.1967, has taken possession of the application schedule property. Whereas, PW1, in his cross-examination, at more than once place, has categorically stated that after evicting the encroachers, the government handed over the possession of the schedule property to the Osmania University in the year 1967 itself. This stand of the applicant/government is self-inconsistent. However, if either of the said pleas of the applicant/government is believed to be true, either itself or the Osmania University must have been in possession

of the application schedule property. If that be so, it is not known as to how the applicant/Government or Osmania University (respondent No.35) could be out of possession of the application schedule property either by the date of filing O.S.No.36 of 1986 in 1986 or by the date of filing of concise statement in LGC No.40 of 2003 in 2003. As rightly pointed out by the learned counsel appearing for the respondents, the applicant/government did not plead anywhere as to how and when it went out of possession of the application schedule property. Further, as held by Hon'ble Supreme Court in *L.N.Aswathama and another v. P.Prakash* [(2009) 13 SCC 229] when a person in possession asserting to be the owner, even if he fails to establish his title, his possession would still be adverse to the true owner. Hon'ble High Court of Andhra Pradesh in *M.Yadagiri Reddy v. V.C.Brahmanna* [2005 (1) ALD 1 (DB)] held that the respondent's title need not be verified when the applicant failed to prove prima facie his title. So, the respondents need not be required to prove as to how they got the extents of land being claimed by them. On the other hand, since the applicant/government is seeking declaration that it is the owner of the application schedule property and alleging that the respondents have occupied/grabbed the said property illegally, it is for it to prove the ownership and its dispossession from the application schedule property by the respondents, which, as noticed above, it failed to establish.

125. The learned counsel for the respondent No.35/Osmania University in his written arguments contended that the pleas and the contentions advanced by the contesting respondents are not uniform and the pleadings and evidence would show that they have taken alternative inconsistent pleas which are mutually destructive of each

other and, therefore, they are not permissible. He, in support of this contention, cited the following judgments:

- 1) [(1976) 4 SCC 420] (*M/s. Modi Spinning and Weaving Mills Co. Ltd and another v. M/s. Ladha Ram and Company*)
- 2) [(2006) 6 SCC 498] (*Baldev Singh and others v. Manohar Singh and another*)
- 3) [(2009) 5 SCC 713] (*Vimal Chand Ghevarchand Jain and others v. Ramakant Eknath Jadoo*)

126. But, it is a well settled law that the respondents/defendants can take inconsistent pleas. Of course, such alternative pleas shall not be mutually destructive. But, in the instant case, as noticed above, as per Section 10 of the Act, it is for the applicant/government to prove prima facie its ownership over the application schedule property and its dispossession from the said property, which, as noticed above, it failed to prove. Further, admittedly, the respondent No.35/Osmania University in earlier round of litigation in O.S.No. 01 of 1958 against Habeebuddin, who is the predecessor-in-interest of some of the respondents, has lost its case against items No.2 to 4 of the application schedule property. The applicant/government and the respondent No.35/Osmania University having failed to prove their right and interest in respect of the application schedule property cannot require the respondents to prove strictly their right and interest over their respective extents in the application schedule property.

127. The learned counsel appearing for all the respondents vehemently contended that after the suit was transferred to the Special Court and after the application under Section 8(1) of the Act was filed before the Special Court, the Special Court did not call for the report from the Tahsildar concerned as required under Rule

6(2) of the Andhra Pradesh Land Grabbing (Prohibition) Rules, 1988 (for short 'the Rules') and so, it cannot be taken that there is a cognizance at all and if that be so, the application itself is to be thrown out for want of cognizance. In order to appreciate this contention, it is necessary to notice Rule 6 of the Rules and the same reads as under:

**6.Verification of Application:-** (1) Every application filed under sub-section (1) of Section 8 of the Act or every case taken cognizance of suo motu by the Special Court or an application filed under sub-section (1) of Section 7-A of the Act, before the Special Tribunal, may be referred for local inspection or verification or both by the Mandal Revenue Officer having jurisdiction over the area or by any other Officer of the Government authorised by the Court in this behalf.

(2) The Mandal Revenue Officer or the other Officer to whom the application has been referred under sub-rule (1) shall make or cause to be made an inspection or verification or both, as soon as may be practicable and shall submit a full and complete report within two weeks from the date of receipt of order with reference to Revenue Records and facts on ground as to the following:

- i. the correctness of the statements made in the application with regard to columns 1 to 15 and 19 in Form 1;
- ii. the facts relating to ownerships, actual possession and use of the land concerned; and
- iii. such other particulars and information as would be useful to the Court to arrive at a correct decision on the claims made in the application

Provided that the said report is not required to be submitted in respect of the application filed by the Mandal Revenue Officer.

(3) The Mandal Revenue Officer or the Officer to whom the application has been referred under sub-rule (1) shall also furnish copies of the extracts of the Government records to show the survey number and sub-division number and proof of possession, ownership and use of the land and the payment of dues to the Government.

(4) A copy of the report referred to in sub-rule(2) may be furnished to the applicant, to the respondents and other persons, if any having interest in the land on payment of copying charges.

128. As per the above Rule, before taking cognizance of the case under the Act,

the Special Court as the case may be Special Tribunal shall refer the matter to the Mandal Revenue Officer concerned for local inspection or verification or both of the property alleged to have been grabbed and the Mandal Revenue Officer shall make or cause to be made an inspection or verification or both and submit a report thereof to the Special Court/Special Tribunal. But, the record does not speak whether such a report was called for or not from the Mandal Revenue Officer. The Government Pleader also did not bring to the notice of the Court that the Special Court has called for such a report from the Mandal Revenue Officer. As held by the Hon'ble High Court of Andhra Pradesh in *Shalivahana Builders Pvt. Ltd. v. Sri Ganapathy Co-operative Housing Society*, [2003 (2) ALT 511 DB = 2003(2) ALPJ 46 (HC)], every step that is required to be taken right from the stage of referring the application for local inspection or verification till the service of notice against the alleged land grabber is mandatory. The relevant portion at para No.50 reads as under:

“A bare reading of the Rules and the second and third provisos to Section 8 of the Act make it clear that a comprehensive procedure is prescribed for taking cognizance of a case by the Special Court, either suo motu or on an application filed by the applicant. Taking cognizance of a case under the provisions of the Act is not a formality. The Special Court or the Special Tribunal, as the case may be, is required to make a detailed threshold scrutiny even before taking cognizance of a case under the provisions of the Act. It is bound to reject any application filed before it if in its opinion such application, prima facie, is frivolous or vexatious one. In law it is bound to reject the same without making any further enquiry. Such frivolous or vexatious applications are required to be rejected eve before taking cognizance of the case under the provisions of the Act”.

129. Since the Special Court did not call for the verification report from the Mandal Revenue Officer as required under Rule 6, in view of the ratio laid down by the Hon'ble High Court in the above decision, the cognizance of the case itself would be bad.

130. The learned counsel appearing for the contesting respondents contended that the respondent No.35/Osmania University, having lost the case against Habeebuddin, predecessor-in-interest of some of the respondents, has instigated the applicant/government to initiate the proceedings under the Land Encroachment Act against Habeebuddin and the matter ultimately went up to the Hon'ble Supreme Court in Civil Appeal No.2031 of 1977 and batch appeals and the Hon'ble Supreme Court in its judgment i.e., Ex.B55, that was reported in AIR 1982 SC 1081 (*Govt. of A.P. v. Thummala Krishna Rao and another*), found fault with the action of the applicant/government in initiating such proceedings under the Land Encroachment Act. The learned counsel have drawn the attention of this Court to the observations made by the Hon'ble Supreme Court in the said judgment and the same read as under:

“In the instant case, there is unquestionable a genuine dispute between the State Government and the respondents as to whether the three plots of land were the subject-matter of acquisition proceedings taken by the then Government of Hyderabad and whether the Osmania University for whose benefit the plots are alleged to have been acquired, had lost title to the property by operation of the law of limitation. The suit filed by the University was dismissed on the ground of limitation, inter alia, since Nawab Habibuddin was found to have encroached on the property more than twelve years before the date of the suit and the University was not in possession of the property at any time within that period. Having failed in

the suit, the University activated the Government to evict the Nawab and his transferees summarily, which seems to us impermissible. The respondents have a bona fide claim to litigate and they cannot be evicted save by the due process of law. The summary remedy prescribed by Section 6 is not the kind of legal process which is suited to an adjudication of complicated questions of title. That procedure is, therefore, not the due process of law for evicting the respondents.”

131. As observed by the Hon’ble Supreme Court in the above decision, the Osmania University (respondent No.35) having failed in the suit filed against Nawab Habeebuddin activated the Government to evict the Nawab and his transferees summarily, which seems impermissible. The Hon’ble Supreme Court also observed that the respondents have a bona fide claim to litigate and they cannot be evicted save by the due process of law. The said observations made by the Hon’ble Supreme Court lend support to the contention of the respondents that the applicant/government has filed the suit as well as the application at the instance of the respondent No.35/Osmania University only though it did not have any right, title or interest over any piece of the application schedule property.

132. For the foregoing reasons, all these issues are answered against the applicant and in favour of the respondents.

133. **Additional issue No.4 in LGOP No.08 of 2022:** Whether the judgment and decree in O.S.No.1 of 1958 on the file of II Additional Judge, City Civil Court, Hyderabad operates as res judicata?

It is a fact that the respondent No.35/Osmania University filed a suit being O.S.No.01 of 1958 (Old O.S.No.2/1 of 1956) on the file of the Court of II Additional

Judge, City Civil Court, Hyderabad against Habeebuddin for recovery of possession of 10 acres 20 guntas in plot No.94 (item No.2 of the application schedule property), 9 acres 33 guntas in plot No.104 (item No.1 of the application schedule property) and 26 acres 14 guntas in plot No.111 (item No.4 of the application schedule property). The Court vide judgment dated 30.01.1959 (Ex.B6 = Ex.B50 = Ex.B83) dismissed the said suit. The issues that were framed in the said suit are:

- 1) Was the portion marked red in the plan (Ex.P4) also included in the transaction entered into with Zainuddin by the Plaintiff and whether the plaintiff was dispossessed of it by the defendant as alleged?
- 2) Is the suit within time and the Court fee paid is sufficient?
- 3) Has defendant acquired possession of the mosque and is causing damage to the plaintiff as alleged?
- 4) Is the amount of loss and damages as indicated by the plaintiff correct?
- 5) To what relief is the plaintiff entitled?

134. After due contest, the Court answered all the issues against the plaintiff therein i.e., respondent No.35/Osmania University herein, and, ultimately, dismissed the suit. Against the said judgment and decree, the plaintiff therein (respondent No.35/Osmania University) filed an appeal being CCCA No.61 of 1959 before the Hon'ble High Court. The Hon'ble High Court vide judgment dated 24.01.1965 dismissed the said appeal. Certified copies of decree and judgment in the said appeal are marked as Ex.B51 and Ex.B52 respectively. The Hon'ble High Court did not accept the plea of the plaintiff therein i.e., the respondent No. 35/Osmania University, that it was the owner of schedule properties and Habeebuddin i.e., the defendant therein, has occupied the said property. The said judgment and decree of the Hon'ble High Court, admittedly, has become final as the University did not file any further appeal. It is

contended by the learned counsel appearing for all the contesting respondents that the judgment in O.S.No.1/1958 (Ex.B6) that was confirmed by the Hon'ble High Court in CCCA No.61 of 1959 (Ex.B51 and Ex.B52) operates as res judicata against the applicant/government, as, it has initiated the proceedings under the Land Encroachment Act as well as this suit/LGC at the instance of the respondent No.35/Osmania University. But, it is contended by the learned Advocate General that the applicant/Government was not a party to the suit in O.S.No.01 of 1958 and that it is nothing to do with the claim set up by the respondent No.35/Osmania University in the said suit and it has filed this suit/LGC on its own claiming independent right title and interest and also based on a different cause of action and, therefore, the judgment and decree in O.S. No.01 of 1958 does not operate as res judicata.

135. In order to appreciate the above rival contentions, it is necessary to notice Section 11 of the Code of Civil Procedure and hence, the same is extracted hereunder:

11. **Res judicata:**—No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.

136. As noticed above, items No.1, 2 and 4 of the application schedule property were the subject matter of the suit in O.S.No.01 of 1958. As per the applicant/Government, it has proposed to acquire the land in old Sy.No.11 (corresponding new survey Nos.10/1 and 10/2) and old Sy.Nos. 1 to 10 (corresponding

new survey Nos.1/P, 2/P and 3 to 9), in which application schedule properties are situated, vide Ex.B153 and Ex.B154/Gazette Notifications, the details of which were noticed above, As stated by PW1, in his cross-examination, after the alleged dispossession of Habeebuddin (defendant in O.S.No.1 of 1958) through the proceedings initiated under the Land Encroachment Act in 1967, the possession of the said land was handed over to Osmania University. In the plaint filed in O.S.No.36 of 1986 and application in LGC No.40 of 2003, the applicant/Government has pleaded that it became the owner of the suit property/application schedule property having acquired the same lawfully under the provisions of the Land Encroachment Act. Of course, it failed to substantiate the same. It is, thus, obvious that the applicant/Government has been litigating under the same title through which the respondent No.35/Osmania University has litigated and lost in O.S.No.01 of 1958. Further, as observed by the Hon'ble Supreme Court in *Government of Andhra Pradesh v. Tummala Krishna Rao and another* [AIR 1982 SC 1089], which arose out of the proceedings initiated by the applicant/Government against Habeebuddin and others under the Land Encroachment Act, the relevant portion of which was extracted above, Osmania University having failed in the suit activated the Government to evict Nawab Habeebuddin and his transferees summarily. This observation made by the Hon'ble Supreme Court also suggests that the applicant/government has been litigating for the benefit of the respondent No.35/Osmania University. So, in view of the principle contained in Section 11 of the Code of Civil Procedure, the judgment in O.S.No.01 of 1958 (Ex.B6) certainly operates as res judicata against the applicant/Government. This issue is, therefore,

answered against the applicant/Government and in favour of the respondents.

137. **Additional issue No.1:** Whether the LGC is barred by limitation?

It is a fact that after dismissal of O.S.No.01 of 1958 and CCCA No.61 of 1959 filed by the respondent No.35/Osmania University, the applicant/Government issued a notice in File No.F3/36910 dated 08.12.1964 under Section 7 of the Land Encroachment Act requiring Habeebuddin to show cause why he should not be evicted from the subject lands. Through Ex.B22/notice in File No. A6/1123/67 dated 06.06.1967, the Government required one C.Bhoom Reddy to show cause why he should not be evicted from the lands mentioned therein. The appeals and revisions filed by Habeebuddin before the Joint Collector and the Government challenging the said notice were dismissed. After dismissal of revision petition by the Government, some of the purchasers, who are the respondents herein, filed Writ Petition Nos.1539 of 1974 and 798 of 1975 before the Hon'ble High Court and the Hon'ble High Court (single judge) by order dated 18.11.1975 dismissed the said writ petitions. Against the said orders, the writ petitioners i.e., T.Krishna Rao (respondent No.3 herein) filed Writ Appeal No.905 of 1975 and V.Keshava Rao (respondent No.5 herein) filed Writ Appeal No.922 of 1975. Bandi Venkata Rama Rao (respondent No.4 herein) and Bandi Aditya Prasad (Respondent No.32 herein) also filed Writ Petition No.796 of 1976. The Hon'ble High Court (Division Bench) by common judgment dated 30.06.1977 (Ex.B88/Ex.B54) allowed the said writ appeals and writ petition. Against the said judgment of the Hon'ble High Court, the Government approached the Hon'ble Supreme Court by filing civil appeals. The Hon'ble Supreme Court vide judgment dated

16.03.1982/Ex.B55 dismissed the said appeals. The said judgment of the Hon'ble Supreme Court was reported in AIR 1982 SC 1081 (*Government of AP v. Tummala Krishna Rao and another*). The observations made by the Hon'ble Supreme Court in the said judgment, according to the applicant/Government, have given rise for a cause of action for filing the present suit. The observations made by the Hon'ble Supreme Court, at para Nos. 8 and 9, are as under:

“8. Facts which raise a bonafide dispute of title between the Government and the occupant must be adjudicated upon by the ordinary courts of law. The Government cannot decide such questions unilaterally in its own favour and evict any person summarily on the basis of such decision. But duration of occupation is relevant in the sense that a person who is in occupation of a property openly for an appreciable length of time can be taken, prima facie, to have a bona fide claim to the property requiring an impartial adjudication according to the established procedure of law.

9. The conspectus of facts in the instant case justifies the view that the question as to the title to the three plots cannot appropriately be decided in a summary inquiry contemplated by Ss. 6 and 7 of the Act. The long possession of the respondents and their predecessor-in-title of these plots raises a genuine dispute between them and the Government on the question of title, remembering especially that the property, admittedly, belonged originally to the family of Nawab Habibuddin from whom the respondents claim to have purchased it. The question as to whether the title to the property came to be vested in the Government as a result of acquisition and the further question whether the Nawab encroached upon that property thereafter and perfected his title by adverse possession must be decided in a properly constituted suit. May be, that the Government may succeed in establishing its title to the property but, until that is done, the respondents cannot be evicted summarily.”

138. The cause of action pleaded by the applicant/government in the plaint in

O.S.No.30 of 1986 for filing the said suit is as under:

“The cause of action for the suit has arisen in the month of March, 1982 when the Supreme Court of India directed that the plaintiff should establish its title in a regular suit in the civil Court. The High Court also held that it is open to the plaintiff to establish its title, although there may be disputes about the ownership of the properties and that it is not open to the government to summarily evict the third party encroachers under the proceedings of the Land Encroachment Act”.

139. The contention of the respondents is that on issuance of Ex.B21/notice under Section 7 of the Land Encroachment Act to Habeebuddin on 08.12.1964 itself, the applicant/government was aware that its title in respect of the application schedule property is in dispute and if that be so, as per Article 58 of the Limitation Act, which is a residuary Article and which provides the period of limitation as three years to obtain any other declaration, the applicant/government ought to have filed the suit or application within three years from the date of issuance of Ex.B21/notice, but, it has filed the suit being O.S.No.36 of 1986, which was converted later as an application under the Act, on 17.01.1986 and hence, the suit as well as the application under the Act is clearly barred by limitation and hence, it is to be thrown out in limine. On the other hand, it is contended by the learned Advocate General that the observations made by the Hon'ble Supreme Court in the judgment dated 16.03.1982 i.e., Ex.B55, have given rise for a cause of action to file the present suit as well as application by the applicant and further, since the applicant is a Government, the Article that is applicable in Limitation Act is 112, which prescribes the period of limitation as 30 years to file any suit by any State Government, but not Article 58 and, therefore, even if the period of limitation is

reckoned from the date of Ex.B21/notice i.e., 08.12.1964, still the suit i.e., O.S.No.36 of 1986, that was filed on 17.01.1986 would be well within the period of limitation.

140. In order to appreciate the above rival contentions, it is necessary to notice Article 58 and Article 112 of the Limitation Act and hence, they are extracted below:

|     | Description of suit                                                                                                                                                                                                       | Period of limitation | Time from which period begins to run                                                                     |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------|
| 58  | To obtain any other declaration.                                                                                                                                                                                          | Three years          | When the right to suit first accrues                                                                     |
| 112 | Any suit (except a suit before the Supreme Court in the exercise of its original jurisdiction) by or on behalf of the Central Government or any State Government, including the Government of the State of Jammu Kashmir. | Thirty years         | When the period of limitation would begin to run under this Act against a like suit by a private person. |

141. It is to be noted that Article 58 is in part-III (suits relating to declarations) and Article 112 is in part-IX (suits relating to miscellaneous matters) in the schedule appended to the Limitation Act. Article 58 is a residuary article which prescribes the period of limitation as three years from the date when the right to sue first accrues to obtain any other declaration. whereas, Article 112 prescribes the period of limitation as thirty years from the date when the period of limitation would begin to run under this Act (Limitation Act) against the like suit by a private person to any suit (except a suit before the Supreme Court in exercise of its original jurisdiction) by or on behalf of the Central Government or any State Government including the Government of the State of Jammu and Kashmir. It is not in dispute that the applicant is a State Government. So, the Article that would be applicable is 112, but, not 58 as contended by the respondents. If that be so, the suit as well as the application filed under the Act can be said to be well

within the period of limitation.

142. It is contended by all the learned counsel appearing for the contesting respondents that the Government of Andhra Pradesh vide Memo No.2500/L2/79-16 dated 07.01.1983 (Ex.B86) took a decision not to file any suit in respect of the application schedule property as the claim is time barred and so, the applicant/government ought not to have filed the present suit. The learned counsel for the respondents have drawn attention of the Court to the relevant portion in the said memo (Ex.B86) and the same reads as under:

“Government have examined the issue of filing a Civil Suit in the City Civil Court, Hyderabad for establishing title over the disputed lands (in Sy.No.10/1 and 10/2 comprising plot Nos. 94, 104 and 111 admeasuring Ac.10-24 guntas, Ac.9-33 guntas and Ac.26-14 guntas respectively of Habsiguda village, Hyderabad District now in Raga Reddy District) in consultation with the Advocate General, Andhra Pradesh and they agree with the opinion of the Advocate General that it is not a fit case to file a suit as it is time barred and has no chance of success whatever.

The Government, therefore, do not propose to file a suit to establish their title over the disputed land”.

143. From the above extract, it appears that after dismissal of Civil Appeal Nos. 2031 of 1977, 136 and 137 of 1978 by the Hon’ble Supreme Court vide judgment dated 16.03.1982 (Ex.B55), it appears that the Government sought opinion from the Advocate General of Andhra Pradesh, whether a suit can be instituted in respect of the application schedule property and the Advocate General gave his opinion that it is not a fit case to file a suit as it is time barred. But, as rightly contended by the learned Advocate General, that was the opinion of the Advocate General only and further Ex.B86 is an

internal communication between the government departments and that merely because the Advocate General opined that the claim is time barred, the same would not take away the right of the applicant/Government to pursue its remedy which is otherwise permissible under law. Further, as noticed above, in view of Article 112 of the Limitation Act, the suit as well as the application filed by the applicant/Government is well within period of limitation. So, merely based on the decision contained in Ex.B86, the claim of the applicant/government cannot be thrown out on the ground that it is barred by limitation.

144. For the reasons recorded above, this issue is answered in favour of the applicant by holding that the LGC is not barred by limitation.

**145. Issue Nos.1 to 4 in LGOP No.11 of 2022:**

- 1) Whether the applicant is the owner of the application schedule land?
- 2) Whether the rival claim title set up by the respondent is true and valid?
- 3) Whether the judgment and decree in OS No.01 of 1956 on the file of II Additional Judge, City Civil Court, Hyderabad operates as res judicata?
- 4) In any event, whether the respondent or any of them have perfected title to the schedule land or any part thereby adverse possession?

Originally, the applicant/Osmania University filed the application against the respondents No.1 to 3 only with a prayer to declare it as the absolute owner of the application schedule property i.e., the land admeasuring 1495.22 Sq.yards in Sy.No.10/2 of Habsiguda village, Uppal Revenue Mandal, Ranga Reddy District, and to declare the respondents as land grabbers and consequently, direct the respondents to vacate the application schedule property by removing the structures and handover the same to it and also to punish the respondents under Sections 3 and 4 of the Act. Later, the

applicant got impleaded the Government as respondent No.4 vide orders in I.A.No. 552 of 1997 dated 20.06.1997. Further, the respondents No.5 to 8 came to be impleaded on their own vide orders in I.A.No.956 of 2005 dated 29.11.2005.

146. The case of the applicant/Osmania University is that the Government has acquired huge extents of land in Sy.Nos.10/1 and 10/2 of Habsiguda village and the lands in other survey numbers for its purpose and after evicting the encroachers from the said land under the Land Encroachment Act, the Government handed over the possession of said land to it in 1967, but, the respondents No.1 to 3 have occupied/grabbed the application schedule property, which is part of said land.

147. Whereas, according to the respondents No.1 to 3, one Nawab Habeebuddin was the owner and possessor of various lands including the land in Sy.No.10/2 situated at Habsiguda Village, Ranga Reddy District and the said Nawab Habeebuddin and his sister Begum Saleemunissa sold an extent of 19844 Sq.yards out of Sy.No.10/2 to Bandi Venkata Rama Rao (respondent No.4 in LGOP No.08 of 2022) and Bandi Aditya Prasad (respondent No.32 in LGOP No.08 of 2022) under a registered sale deed dated 28.12.1962 and the said purchasers obtained a layout and also permission for construction of houses from the concerned local authorities and thereafter, some mulgies were constructed at the northern side front portion of the said land and the said mulgies and other structures were assessed to tax and given H.Nos. 1-91/2, 1-91/1, 1-90/1, 1-90/2, 1-91/5, 1-91/4, 1-91/3, 1-91/8, 1-91/7, 1-91/6, 1-90/4, 1-90/5, 1-90/8, 1-90/9, 1-90/10, 1-90/14, 1-90/13, 1-90/12, 1-90/11, 1-90/7, 1-90/6 and 1-90 and the respondent No.3 herein has purchased an extent of 700 Sq.yards having Door No.1-91/2 with

appurtenant land from B.V.Rama Rao and B.Aditya Prasad under a registered sale deed bearing document No.4016/1985 and he sold the same to the respondent No.2 under a registered sale deed bearing document No.4079/1985 dated 30.05.1985 and ever since the date of purchase, the respondent No.2 is in continuous and uninterrupted possession of said property.

148. For and on behalf of the applicant/Osmania University (respondent No.35 in LGOP No.08 of 2022), one S.A.Quader was examined as RW23 in LGOP No.08 of 2022. He has stated that he worked in different capacities in Osmania University from 1960 to 1995 and retired as Superintendent, Estate Cell, Osmania University, Hyderabad in the year 1995 and that he has been looking after this case from the beginning and that he was appointed as Coordinator to look after the litigation of land cases of Osmania University in the year 2005 and he has been continuing as coordinator from time to time even now. He denied the suggestion that he is not authorised either to represent the University or to depose on behalf of the University. But, the letter of authorisation stated to have been issued in his favour by Registrar of Osmania University is not marked. Further, as stated by him, the present Estate Officer is very much available and working in that capacity even as on date.

149. For the respondents No.1 to 3 and 4 to 8, the respondent No.1 i.e., S.V.Partha Saradhi Rao, was examined as RW18 in LGOP No.08 of 2022. He has reiterated their case.

150. It is a fact that the applicant/Osmania University filed a suit being O.S.No.01 of 1958 (Old O.S.No.2/1 of 1956) on the file of the Court of II Additional

Judge, City Civil Court, Hyderabad against Habeebuddin for recovery of possession of 10 acres 20 guntas in plot No.94 (item No.2 of the application schedule property in LGOP No.08 of 2022), 9 acres 33 guntas in plot No.104 (item No.1 of the application schedule property in LGOP No.08 of 2022) and 26 acres 14 guntas in plot No.111 (item No.4 of the application schedule property in LGOP No.08 of 2022). The Court vide judgment dated 30.01.1959 (Ex.B6 = Ex.B50 = Ex.B83) dismissed the said suit and against the same, the applicant/Osmania University filed an appeal being CCCA No.61 of 1959, but, the Hon'ble High Court vide judgment and decree dated 24.01.1964 (Ex.B51 and Ex.B52) dismissed the said appeal and the same has become final. It is not in dispute that the application schedule property in this LGC is a part and parcel of item No.2 of the application schedule property in LGOP No.08 of 2022 i.e., Ac.10.20 guntas in old Sy.No.11, new Sy.Nos.10/1 and 10/2. So, as rightly contended by the learned counsel for the respondents No.1 to 3 and 4 to 8, the applicant/Osmania University having lost its case in respect of the application schedule property against Habeebuddin, through whom the respondents No.1 to 3 and 4 to 8 are claiming right, title and interest over the application schedule property, cannot re-agitate its case again in respect of the said property and find fault with the claim of the respondents No.1 to 3 and 4 to 8 in respect of said property, as, the judgment in O.S.No.01 of 1956 (new O.S.No.01 of 1958) and that was confirmed by the Hon'ble High Court operates as res judicata. Another thing to be noted is that the proceedings initiated by the Government under the Land Encroachment Act for eviction of Habeebuddin and others from the subject land have been held invalid and set aside by the Hon'ble High Court of Andhra Pradesh and

confirmed by the Hon'ble Supreme Court (details of which were noted in the earlier issues). Yet another thing to be noted is that the Government is also claiming ownership over the subject land in LGOP No.08 of 2022, which, of course, it failed to establish as held in earlier issues. Further, there is nothing on record to show that after dismissal of O.S.No.01 of 1956 (new O.S.No.01 of 1958), the Government has resumed the subject property in 1967 by dispossessing Habeebuddin and others and handed over the possession of said property to the applicant/Government. The applicant/Osmania University did not even state as to when exactly the respondents No.1 to 3 have encroached the application schedule property. Since the applicant/Osmania University failed to prove its ownership at least prima facie over the application schedule property and its dispossession from the said property, it is not necessary to go into the validity or otherwise of title of the respondents No.1 to 3 in respect of the said property, which is, admittedly, in their possession since a long time, and record any finding thereof. In view of these circumstances and in view of the findings recorded in issues in LGOP No.08 of 2022, these issues are answered against the applicant/Osmania University.

**151. Issue No.4 in LGOP No.08 of 2022:** To what relief?

In view of the findings on issues No.1 to 3 and additional issues No. 2 to 6, the application is liable to be dismissed and the same is accordingly dismissed, however, without costs.

**152. Issue No.5 in LGOP No.11 of 2022:** In view of the findings on issues No.1 to 4, the application is liable to be dismissed and the same is accordingly dismissed, however, without costs.

Dictated to the Stenographer (Grade-I) and after transcribed by her, corrected and pronounced by me in the open Court, on this the 27<sup>th</sup> day of January, 2025.

I Addl. District Judge-cum-Special Tribunal,  
Medchal-Malkajgiri District at Kushaiguda.

**APPENDIX OF EVIDENCE**  
**WITNESSES EXAMINED**

| <b>No. of Witness<br/>(For Applicant)</b>   | <b>Name of the Witness</b>                     | <b>For whom examined</b>                   | <b>Which document<br/>marked as Exhibits</b>             |
|---------------------------------------------|------------------------------------------------|--------------------------------------------|----------------------------------------------------------|
| PW1                                         | K.Dharma Reddy,<br>Special Deputy<br>Collector | Applicant/State                            | Ex.A1 to Ex.A42 and<br>Ex.A42(a) and<br>Ex.A43 to Ex.A45 |
| <b>No. of Witness<br/>(For Respondents)</b> | <b>Name of the Witness</b>                     | <b>For whom examined</b>                   | <b>Which document<br/>marked as Exhibits</b>             |
| RW1                                         | M.Srihari Reddy                                | For himself (R10) and<br>also for R7 to R9 | Ex.B1 to Ex.B22                                          |
| RW2                                         | K.Ranganadha Chary<br>(husband of R48)         | For R48                                    | Ex.B23                                                   |
| RW3                                         | G.V.Rama Krishna<br>Rao                        | For himself (R24)                          | Ex.B24                                                   |
| RW4                                         | V.Seetharama Reddy                             | For himself(R15) and<br>R16                | Ex.B28                                                   |
| RW5                                         | Smt.P.Lakshmi<br>Kantam                        | For herself (R6)                           | Ex.B25                                                   |
| RW6                                         | Smt.Ravi<br>Kamakshamma                        | For herself(R29)                           | Ex.B26                                                   |
| RW7                                         | Smt.D.Vasundhara                               | For herself(R28)                           | Ex.B27                                                   |
| RW8                                         | Smt.Dhanalakshmi<br>Devi                       | For herself(R13)                           | Ex.B29                                                   |
| RW9                                         | K.R.N.Tagore                                   | For himself(R50)                           | ExB30                                                    |
| RW10                                        | Koneru Rajendra<br>Prasad                      | For himself(R18)                           | Ex.B31                                                   |
| RW11                                        | K.Sambasiva Rao                                | For himself(R19)                           | Ex.B32                                                   |
| RW12                                        | Dr.V.Rajeshwar Rao                             | For himself(R26)                           | Ex.B33, Ex.B35 to<br>Ex.B59 and Ex.B100<br>to Ex.B111    |
| RW13                                        | Abburu Jaganatha Rao                           | For R25                                    | Ex.B34                                                   |

|      |                                    |                                           |                                                |
|------|------------------------------------|-------------------------------------------|------------------------------------------------|
|      | (Son as well as GPA holder of R25) |                                           |                                                |
| RW14 | B.Aditya Prasad                    | For himself (R32) and also for R4         | Ex.B60 to Ex.B77                               |
| RW15 | Smt. Rama Devi                     | For herself(R56)                          | Ex.B78                                         |
| RW16 | Smt.T.Vijay Lakshmi                | For herself(R55)                          | Ex.B79                                         |
| RW17 | Tummala Vasana Rao                 | For himself(R44) and for R43, R51 and R52 | Ex.B80 to Ex.B99 and Ex.B141                   |
| RW18 | S.V.Partha Sarathy                 | For himself(R73) and R72, R74 and R75     | Ex.B112 to Ex.B140                             |
| RW19 | Vemuri Basava Kutumba Rao          | For R43, R44, R51 and R52                 | Nil                                            |
| RW20 | V.Madhusudan Rao                   | For himself(R60)                          | Ex.B142 to Ex.B145                             |
| RW21 | G.Venkata Suryanarayana            | For himself(R54) and also for R53         | Ex.B146 to Ex.B148                             |
| RW22 | Vittal Rao Todewale                | For himself(R31)                          | Ex.B149 to Ex.B151                             |
| RW23 | S.A.Quader                         | For Osmania University(R35)               | Ex.B152 to Ex.B163<br>Ex.B153(a)<br>Ex.B154(a) |

### **EXHIBITS MARKED**

#### **FOR THE APPLICANT :**

- Ex.A1: Letter of Zainuddin to the Secretary Government PWD and irrigation  
23<sup>rd</sup> Bahman 1336 F 27-12-1926 AD
- Ex.A2: Letter of Zainuddin to the Secretary Govt P.W.D & Irrigation  
13<sup>th</sup> Amardad 1335 F 18-06-1926 AD
- Ex.A3: Office note in Urdu with English Translation  
23<sup>rd</sup> Amardad 1335 F 28.06.1926 AD
- Ex.A4: Certified copy of letter in Urdu (Original award signed by Mohd. Baig Collector)  
10-06-1336 F Ardibehist 15-03-1927 AD
- Ex.A5: Letter in Urdu from Ali raza from Urdu in Superintendent Engineer to Zainuddin with English Translation  
18<sup>th</sup> Aban 1336 F 24-09-1927 AD
- Ex.A6: Award proceedings of the Collector in Urdu with English translation (Zainuddin)  
15<sup>th</sup> Azur 1342 F 20.10.1932 AD
- Ex.A7: Letter (Urdu) from Superintendent Engineer P.W.D. Osmania University

- Building Project to the Collector with English Translation.  
19<sup>th</sup> Azur 1342 F 24-10-1932 AD
- Ex.A8: Receipt (Urdu) Singed bvy Zainuddin for receiving compensation amount of Rs. 38,194/- with English Translation (From Superintendent Osmania University) Engineer  
29<sup>th</sup> Azur 1342 F 03-11-1932
- Ex.A9: Certified Copy of Plan in Urdu (not visible)  
15<sup>th</sup> Azur 1342 F
- Ex.A10: Original Urdu letter written by Manzoor Jung with English Translation.  
3<sup>rd</sup> Amardad 1345 F 08-06-1936 AD
- Ex.A11: Details of land of Manzoor Jung family at Habsiguda forming part of letter No.4172 (which is ex. A10).  
5<sup>th</sup> Amardad 45 F 10-06-1936
- Ex.A12: Proceedings of Osmania University Building Committee (true copy).  
1<sup>st</sup> farwardi 1346 F 02-02-1937 AD
- Ex.A13: Letter of superientendent Engineer, Osmania University building project to Manzoor Jung regarding proposal for acquisition of land at Habsiguda for Osmania University.  
09-06-1346 F Ardibehist 13-03-1937 AD
- Ex.A14: Award letter of the Collector (Urdu) with Engtlsh Translation  
5<sup>th</sup> Sharerwar 1346 F 11-07-1937 AD
- Ex.A15: Letter of Collector Baghat Balda Head Quarter to Superientendent Engineer, Osmania University.  
26<sup>th</sup> Shaherwar 1346 F 01.08.1937 AD
- Ex.A16: Letter of PWD E.E. to the Engineer Osmania Superientendent University Building project with English Translation.  
18<sup>th</sup> Farwardi 1347 F 19-02-1938 AD
- Ex.A17: Statement of Possession of land with plan (land of Munzoor Jung)  
15<sup>th</sup> Farwardi 1347 F 16.02.1938 AD
- Ex.A18: Letter of E.E. P./W.D. Osmania University Building Project to Superientendent Engineer, Osmania University Building Project with English Translation.  
28<sup>th</sup> Ifandar 1347 F 30-01-1938 AD
- Ex.A19: Letter of Manzoor Jung Regarding Payment of arrears of land revenue.  
23<sup>rd</sup> Isfandar 1347 F 25.01.1938 AD
- Ex.A20: Challan Copy of Urdu Enclosure to Ex. A 19 for Rs. 500/- (Osmania Sicca)  
23<sup>rd</sup> Isfandar 1347 F 25-01-1938 AD
- Ex.A21: Letter of E.E. PWD, Osmania University Building Project to Superinttentent Engineer PWD Osmania University Building Project  
23<sup>rd</sup> Isfandar 1347 F 26-01-1938 AD
- Ex.A22: Letter of Manzoor Jung to E.E. Osmania University Bulding Project.  
24<sup>th</sup> Isfandar 1347 F 26-01-1938 AD
- Ex.A23: Photo copy of challan for Rs. 268-00 Osmania Sicca.

- 23<sup>rd</sup> Isfandar 1347 F 26-01-1938 AD
- Ex.A24: Letter of Superintendent Engineer, Osmania University Building project, to the Tahsildar, Amberpet with English Translation (Manzoor Jung Land).  
28-06-1348 Ardibehist F 02-04-1939 AD
- Ex.A25: Letter from of chief Engineer PWD to Superintendent of works PWD.  
18-10-1955 F shaherwar 24-07-1946 AD
- Ex.A26: Letter of Shri Babur Zirza to the Superintending Engineer, Osmania University Building Project.  
10-12-1355 F Aban 15-09-1946 AD
- Ex.A27: Letter of E.E. to Superintendent Engineer, PWD Osmania University Building Project.  
20-05-1356 F Farwardi 20-02-1947 AD
- Ex.A28: Letter of E.E. Osmania University Building Project to Superintendent Engineer PWD Medak Circle.  
20-04-1356 F 20-01-1947 AD
- Ex.A29: Contract Agreement 12-12-1343 F 17-09-1934 AD
- Ex.A30: Letter of Assistant Engineer to the E.E. Construction Division, dt.20-02-1944
- Ex.A31: Letter of Assistant Engineer to the Contractor, dt. 01-05-1944
- Ex.A32: Letter of Assistant Engineer to E.E, dt. 30-05-1944
- Ex.A33: Letter (urdu) of warden of Hostel "E" to the executive Engineer, to dismiss Habeebuddin.  
25-03-1350 F Bahman 28-12-1940 AD
- Ex.A34: Letter of E.E. to the Hostel Warden  
08-03-1350 F Bahman 11.12.1940 AD
- Ex.A35: Minutes of repairs and maintenance of Masjid and grave yard, in Urdu in English Translation (Chilla Durga) P.A to Vice Chancellor to E.E. Construction.  
11-12-1940 AD 3<sup>rd</sup> Khurdad 1350 F
- Ex.A36: Memo of hostel warden to Abdul Khadeer with English Translation  
03-12-1355 Aban F 08-09-1946 AD
- Ex.A37: Copy of letter of head of Geological Urdu with english department in Translation to the Recot Osmania University (University Boundary Chinna Moulali).  
04-12-1355 F Aban 09.09.1946 AD
- Ex.A38: Letter to Assistant Commissioner of Police Amberpet in Urdu with English Translation (letter of warden).  
04-12-1355 F Aban 09-09-1946 AD
- Ex.A39: Receipt issued by Manzoor Jung for Rs. 78,482/- (rupees Seventy Eight Thousand Four Hundred and eighty two only).  
15<sup>th</sup> Isfandar 1347 F 17-01-1938 AD
- Ex.A40: Attested Copy Gazette Notification about taking over possession on  
03-07-1967.  
17-01-1938 AD 01-02-1968

- Ex.A41: Letter No. 401/UE.1-2/95-2 dated 22.05.1995 from Joint Secretary to Government Education Department to the Registrar of Osmania University along with G.O.Ms.No.85 dt. 16-01-1968.
- Ex.A42: Clear Copy of plan of land acquired from Zainuddin (3 plots 104, 144 and 94); attached to the Award Exhibit A-6.  
15<sup>th</sup> Azur 1342 F 20-10-1932 AD
- Ex.A42(a): Red Colour portion marked in Ex. A 42 (red Colour Portion is No. 10/2)  
5<sup>th</sup> Azur 1342 F 20-10-1932 AD
- Ex.A43: Khasara Pahani record in the name Zainuddin for the year 1954-1955
- Ex.A44: Wasool Baaki for the year 1965.
- Ex.A44(a):Entry in the name of Mohammed Zainuddin in column No.3 of Waso Baaki Exhibit A44,for the year 1965
- Ex.A45: Supplementary sethwar for the year 1349 fasil.
- Ex.A45(a):Entry in the name of Mohammad Zainuddin in column No.6 of Exhibit 45 in respect of Survey No. 10 admeasuring 16 acres 36 Guntas

#### **FOR THE RESPONDENTS:**

- Ex.B1: Certified copy of succession certificate in Urdu granted to i) Waheedunissa Begum widow of Zainuddin ii) Mohd. Arifuddin cousin brother of Zainuddin and iii) Mohd. Habeebuddin cousin brother of Zainuddin Habeebuddin in file No.197/58 of 1352 F along with English Translation issued by Surf-e-khas iv).Mr.Zainuddin died on 22nd Aban 1346 Fasli, as recorded in this document.  
1353 FASLI (07.10.1943 AD to 05-10-1944 AD)
- Ex.B2: English translation of Ex.B-1 (1353 FASLI (07.10.1943 AD to 05-10-1944 AD)
- Ex.B3: Certified copy of pahani in Urdu for the year 1952 for S.No.10/2
- Ex.B4: Certified copy of pahani in Urdu for the year 1954 AD for S.No.10/2
- Ex.B5: Certified copy of Sethwar for the year 1965 for S.No.10/2
- Ex.B6: Certified copy of the judgment dt. 30.01.1959 in O.S.No.1 of 1958 on the file of the II Addl. Judge, CCC., Hyderabad
- Ex.B7: Certified copy of Village plan, Habsiguda 1346 Fasli
- Ex.B8: Original sale deed dt.08.01.1965 executed by Habeebuddin in favour of Nagabhushanam and Ravi Subba Rao.
- Ex.B9: Original sale deed dt.09-05-1966 executed by P.Nagabhushanam S/o. Peeriah and Ravi Subba Rao son of Venkat Ramiah In favour of Smt. B.R.Sunanda wife of Sri B.R. Ganga Reddy.
- Ex.B10: Original registered sale deed dt.09.05.1966 executed by P. Nagabhu Shaman S/o. Peeriah and Ravi Subba Rao, Son of Venkat Ramaiah in favour of R8 (B. Narsimha Reddy, S/o Ganga Reddy).
- Ex.B11: Original registered sale deed dt. 09.05.1966 executed by P. Nagabhushanam

- S/o. Peeriah and Ravi Subba Rao son of Venkat Ramiah in favour of M.S. Ganga Reddy son of Narsimha.
- Ex.B12: Original sale deed dt. 13-05-1966 executed by P Nagabhushanam, S/o.Peeriah and Ravi Subba Rao son of Venkat Ramiah in favour of R10 i.e. , R.W.1 M. Srihari Reddy son of Pratap Reddy.
- Ex.B13: Permission dt. 04-01-1967 granted to M. Srihari Reddy Panchayat Sarpanch Gram by Nacharam for construction of house.
- Ex.B14: Sanction Plan (with reference to Ex.B. 13) dt. 04-01-1967
- Ex.B15: Tax payment receipt in the name of M.Srihari Reddy dt. 15-10-1972
- Ex.B16: Tax payment receipt in the name of M.Srihari Reddy dt.30-03-1974
- Ex.B17: Tax payment receipt in the name of M.Srihari Reddy dt. 31-03-1975
- Ex.B18: Electricity Bill in name the of M.Srihari Reddy dt. 07-07-2003
- Ex.B19: Electricity Bill the in name of M.Srihari Reddy dt. 02-06-2023
- Ex.B20: Electricity Bill in name the of M.Srihari Reddy dt. 16-06-2003
- Ex.B21: Notice dt. 08-12-1964 issued by the Government u/s 7 of the Land Encroachment Act, to Habeebuddin in File No. F3/36910/64.
- Ex.B22: Notice dt. 06-06-1967 issued by the Government u/s 7 of the Land Encroachment Act, to C. Bhoom Reddy in File No.A6/1123/67.
- Ex.B23: Certified registration extract of Sale deed dt. 11-09-1965 for 1119 sq. yards in plot No.48 i S.No.10/2 executed by Nagabhushnam S/o. Peeriah and Ra Subba Rao son of Venkat Ramiah favour of Smt. K. Kanakavalli Devi wi of Sri Ranganatha chary.
- Ex.B24: Certified registration extract of sale deed dt. 02-04-1985 for 555 Sq.yards executed by D.Sitaram son of Laxminarsiah represented by G.P.A., Holder G. Balatripur Sunder Devi Wife of Sri G.L. Narsimha Rao in favour of R.W.3 G.V. Rama Krishna Rao son of Sri G.L. Narsimha Rao Note:- R.W.3 stated that i) original sale deed was given to his Advocate Shri Subbarayan, who died and as such original sale deed is misplaced.  
ii) Sitaram purchased property from Ravi Subba Rao on 8.1.1966.
- Ex.B25: Certified registration extract of sale deed dt. 11.02.1966 for 1360 Sq. Yards in plot No. 15S.No.10/2 executed by P.Nagabhushnam and Ravi Subba Rao in favour of R6-D. Laxmi Kantam W/o. D. Laxman Rao.
- Ex.B26: Registered sale deed dt. 14-02-1966 executed by P. Nagabhushnam S/o. Peeriah and Ravi Subba Rao Son of Venkat Ramaiah in favour of R29 Ravi Kamakshamma W/o. Ravi Koteswar Rao.
- Ex.B27: Certified registration extract of sale deed dt. 15-05-1965 for an area of 1110 sq yards Plot No.103 and 104 in S.No. 10/2 executed by P.Nagabhushanam and Ravi Subba Rao in favour of R.28 D. Vasundhara W/o. D. Balgangadhar Rao
- Ex.B28: Certified registration extract of sale deed dt. 01-04-1967 for an extent of 555 Sq.yards (Plot No.133) in S.No.10/2 executed jointly by P. Nagabhushnam and R. Subba Rao in favour of R.W.4-R.15 V. Seetharam Reddy and R.16 Kolli Venkat Ram Reddy.
- Ex.B29: Certified registration extract of sale deed dt. 15-05-1965 executed by P.

- Nagabhushnam S/o. Peeriah and Ravi Subba Rao S/o. Venkat Ramiah in favour of R13- Dhanalaxmi Devi w/o. Koneru Shivshanker Rao for Plot No.148 admeasuring 555 square yards in S.No.10/2, Habsiguda.
- Ex.B30: Certified registration extract of sale deed dt. 15-05-1965 executed by P. Nagabhushnam S/o. Peeriah and Ravi Subba Rao S/o. Venkat Ramiah in favour of K. Venkata Krishnaiah (father of RW9) son of Rattiah- Plot No.150 admeasuring 555 square yards in S.No. 10/2, Habsiguda.
- Ex.B31: Certified Registration extract of sale deed dt. 15-05-1965 executed by P. Nagabhushnam S/o. Peeriah and Ravi Subba Rao S/o. Venkat Ramiah in favour of Koneru Rajendra Prasad Son of Malliah for Plot No.89 admeasuring 555 square yards in S.No. 10/2 of Habsiguda.
- Ex.B32: Certified registration extract of sale deed dt. 15-05-1965 executed by P. Nagabhushnam S/o. Peeriah and Ravi Subba Rao S/o. Venkat Ramiah in favour of Koneru Sambasiva Rao Son of Malliah Plot No.147, 555 Sq. Yards in S.No. 10/2.
- Ex.B33: Registered sale deed dt. 21-08-1998 executed by the District Court R.R.District on behalf of Dr.D. Venkateshwar Prasad sonof Laxminarimha Rao and Smt. Manjula wife of Sri Guruprasad Rao in favour of V.Rajeshwar Rao (R26) relating to share of Ravi Subba Rao for Ac.4-20Gts in Sy.No. 10/2.
- Ex.B34: Registered sale deed dt. 14-12-1965 for plot No. 137 Admeasuring 555 square yards in Sy.No.10/2 executed by Ravi Subba Rao & P. Nagabhushnam in favour of A.Annapurna wife of A.Balkrishna Rao.
- Ex.B35: Original sale deed dt. 08-01-1965 executed by Nawaz Habeebuddi S/o. late Hafeezuddin and Smt. Saleemunnisa Begur W/o late Khader Ali Khan and D/o late Nawab Hafeezuddin in favour of P. Nagbhushanam and Ravi Subba Rao with Proportion of 65:35 Ac. 12:32 Gts., in Sy.No. 10/2
- Ex.B36: Certified copy of plan attached to Ex. B35, dt.08-01-1965
- Ex.B37: Deed of discharge dt. 22-08-1967 executed by Habeebuddin, Saleemunnissa Begum and Ravi Subba Rao in favour of Dr. V.Rajeshwar Rao for an extent of Ac.4:20 Gts., in Sy.No.10/2.
- Ex.B38: Certified copy of Pahani for the year 1982-83 issued by Tahsildar, Hayatnagar, Sy.No.10/2 Column No.11 shows names of Habeebuddin (6 Acres And 8 Guntas), Saleemunnisa begum (6 Acres and 8 Gunthas) Subba Rao (4 Acres and 20 Guntas).
- Ex.B39: Certified copy of land Cess payment receipt in the name of V.Rajeshwar Rao, dt. 02-09-1982
- Ex.B40: Copy of pattadar pass Book (Ryatwari Book) issued by tahsildar Hyderabad recording Name of V Rajeshwar Rao as pattadar, dt. 10-10-1978
- Ex.B41: Original copy of certificate issued by Addl. Special Officer and competent authority ULC in favour of V. Rajeshwar Rao to an extent of 4 Ac. 20 g. in File No. C1/5437/78, dt.30-01-1979
- Ex.B42: News paper publication issued by Osmania University, dt. 05-02-1981

- Ex.B43: Original letter No.65/Estate Cell/1981 dt. 09-06-1981 of Finance Officer Osmania University to engineers to demarcate and fix boundaries of 4 Acres and 20 guntas in S.No. 10/2 for issuing no objection.
- Ex.B44: Letter No.69/Estate Cell/1981dt. 19-06-1981 of Finance Officer of Osmania University to Assistant Director Survey and Land Records R.R.Dist. Collectorate to arrange survey and demarcate Ac.9 and 33 guntas in Survey. No. 10/2.
- Ex.B45: Panchanama conducted while fixing boundaries Ac.9.33 Guntas in the presence of panchas S.No. 10/2, dt. 31-07-1981
- Ex.B46: Certified copy of Decree dt. 09-03-1988 in CMA.No.18 of 87 passed by District Judge, R.R. District.
- Ex.B47: Certified copy of Judgment dt. 09-03-1988 confirming order of injunction in I.A.No.516 of 84 in O.S.No.171 of 84 on the file of the Principal District Munsif, East and North
- Ex.B48: Order of the High Court in C.R.P.No.1005 of 1988 and Batch delivered by Justice Jagannadha Rao, dt. 21-07-1989
- Ex.B49: Certified copy of decree dt. 10-11-1989 in O.S.No.499/85 passed by Principal District Munsif, East and North, R.R. District.
- Ex.B50: Certified copy of Judgment dt. 30-01-1959 in O.S.No.1 of 58 on the File of the II Additional Judge (Osmania University v. Habeebuddin).
- Ex.B51: Certified copy of decree dt. 24.01.1964 in CCCA No.61 of 59 passed by the High Court.
- Ex.B52: Certified copy of judgment dt. 24-01-1964 in appeal CCCA No.61 of 59 (appeal filed against O.S.No.1 of 58) passed by the High Court.
- Ex.B53: Certified copy of order dt. 30-06-1977 of the High Court in W.P.No.796 of 95 filed by Bandi Venkat Rama Rao and Bandi Aditya Prasad Osmania University is R2 in WP.
- Ex.B54: Certified copy of judgment dt. 30-06-1977 in W.A.No.905/75 and 922 of 75 & WP No.796/75.
- Ex.B55: Certified copy of judgment dt. 16-03-1982 of the Supreme Court in C.A.No.2031 of 77, 136/78, 137/78.
- Ex.B56: Certified copy of Osmania University map.
- Ex.B57: Red colour delineated portion of Land in S.No. 10/2 of Habsiguda Village (the north portion in Ex.B.57) Uppal Road indicated.
- Ex.B58: Order in I.A. No.281/88 in O.S.No.64/87 passed by P.S.J. for police direction (V.Rajeshwar Rao University Vs.Osmania)
- Ex.B59: Order dt. 05.02.1990 in IA No. 58/90 in OS 64/87
- Ex.B60: Paper publication in "Deccan Chronicle" issued by Shri G.Ganpath Rao, Advocate, Secunderabad on behalf of Bandi Krishna Rao about agreement of sale with Habeebuddin, Sy.No. 10/2, dt. 12.09.1962
- Ex.B61: Paper Publication in Urdu Daily "Siasat" issued by Shri G.Ganpath Rao, Advocate, Secunderabad on behalf of Bandi Krishna Rao about agreement of sale with Habeebuddin, Sv.No.10/2., dt.14.09.1952

- Ex.B62: Original sale deed dt. 28-11-1962 executed by Habeebuddin and Begum Saleemunnisa in favour of B. Venkat Rama Rao and Bandi Aditya Prasad for an area of 19844 sq.yards in Sy.No. 10/2, Habsiguda.
- Ex.B63: Demand notice dt. .09-10-1980 issued by Special Officer, Gram Panchayat Habsiguda for House Tax Assessment N 279 B.Ram Krishna.
- Ex.B64: Demand notice dt. 09-10-1980 issued by Special Officer, Gram Panchayat Habsiguda for House Tax Assessment No.278-B.Ram Krishna.
- Ex.B65: Demand notice dt. 30-07-1981 issued by Executive Officer Gram Panchayat, Habsiguda (Bandi Ram Krishna).
- Ex.B66: Property tax payment receipt dt. 08-10-1982, for the year1982-83, B.V. Rama Rao H.No.1-90/6.
- Ex.B67: Property tax payment receipt dt. 08-10-1982, for the year1982-83, B.V. Rama Rao H.No.1-90/5.
- Ex.B68: Property tax payment receipt dt. 17.07.1986, B.V. Rama Rao H.No.1-91/A
- Ex.B69: Property tax payment receipt dt. 26.09.1986 B.Aditya Prasad H.No.1-90/19
- Ex.B70: Property tax payment receipt dt. 15-03-1981, B.Aditya Prasad H.No.1-90/9
- Ex.B71: Property tax payment receipt dt. 04-01-1991 for the year 1990-91, B. V. Rama Rao H.No.1-90.
- Ex.B72: Property tax payment receipt dt. 30-09-1995 for H.No.1-90 of B.V. Rama Rao 92-93 Half Year.
- Ex.B73: Property tax payment receipt dt. 26-11-1991 for H.No.1-90 of B.V.Rama Rao 92-93 Half Year.
- Ex.B74: Property tax payment receipt dt.10-01-1989 for H.No.1-90 B.V.Rama Rao for the year 1988-89.
- Ex.B75: Certificate dt. 12-01-1974 issued by Sarpanch Nacharam stating that Bandi Ram Krishna is the owner of H.No.1-93 and 1-94 Habsiguda.
- Ex.B76: Building plan dt. 27-09-1982 issued by Executive Officer, Gram Panchayat, Habsiguda in file No. 34/63/82-83 in the name of Bandi Venkat Rama Rao H.No.1-91/A.
- Ex.B77: Building plan issued by Executive Officer, Gram Panchayat, Habsiguda in the name of B. Aditya Prasad H.No.1-91, dt. 27-09-1982
- Ex.B78: Registration extract of sale deed dt. 15-05-1965 executed by Ravi Subba Rao and P. Nagbhushnam for an extent of 1075 Sq. Yards (Plot No.51) in S.No. 10/2 Habsiguda Village in favour of Vemulpalli Rama Devi Wife of Sri Padmamohan Rao.
- Ex.B79: Registration Extract of Sale Deed dt. 15-05-1965, plot No.50 extent of 10758 square yards executed by P.Nagabhushnam and Ravi Subba Rao in favour of Smt. Chelasani Sitaramamma wife of Sri Seshagiri Rao.
- Ex.B80: Counter affidavit filed by Mohiuddin Assistant Secretary to in Revenue the Government Department in W.P.No. 1534 of 74 (Valluri Kesava Rao) dt. 07-11-1975
- Ex.B81: Certified copy of order dt. 02-08-1977 of the High Court in Supreme Court Civil Miscellaneous Petition No.7646 of 77 in Supreme Court Leave Petition

- No.150 of 1977,
- Ex.B82: Certified copy of order of the Supreme Court in S.L.P.No.3643/77 granting leave to the State of A.P., and injunction, dt. 29-08-1977
- Ex.B83: Certified copy of judgment and decree in O.S.No.1 of 1958, dt. 30-01-1959
- Ex.B84: Common order passed by the High Court in CCCA No.61 of 59 and CMPNos. 5269, 2514 and 2515 of 1963 (Habeebuddin case), dt. 04-01-1995
- Ex.B85: Certified copy of common order passed by the Supreme Court in Civil Appeal No.s 136/78, 137/78 and 2031 of 77 dt. 16-03-1982
- Ex.B86: Certified copy of memo No.2500 112/79-16 issued by the Government of A.P. Revenue (L) Department, dt. 07-01-1983
- Ex.B87: Certified copy of sale deed executed by Habeebuddin. in favour of (1) Tummala Krishna Rao S/o. T Veeraiah, (2) Lingam Chandrashekhara Rao S/o. Kristayya (3) Donepuri Brahmeswara Rao S/o Eswara Venkateshwarlu (4) Vemuri Basava Kutumba Rao S/o. Venkatramaiah (5) Kottaru Saradamba W/o Venkateshwara Rao (6) Atta Bharadwajulu S/o Rathnaiah. for an extent of Ac:17-24 Guntas in S.Nos.7, 8, 9, 10 and 10/1, dt. 09-12-1967
- Ex.B88: Certified copy of common order in W.A.No.905 of 1975, 922/75 and W.P.No. 796/75, dt. 30-06-1977
- Ex.B89: Certified copy of letters from the Registrar Osmania University to the Secretary to Govt, January, 1981
- Ex.B90: Certified copy of order in CMA No.18 of 87 on the file of the Dist. Judge, R.R.District (Osmania University Vs., v. Rajeshwar Rao), dt. 09-03-1988
- Ex.B91: Certified copy of order dt.22-12-1988 in I.A.No.840/88 O.S.No.409 of 88 on the file of the Principal District Munsif, Hyd. East and North (T. Krishna Rao Vs., Osmania University).
- Ex.B92: Office copy of legal notice dt. 16-09-2007 issued by the counsel for R.44 and others and served on the Govt. Pleader in L.G.C.No. 40 of 2003.
- Ex.B93: Report of M.C. Inspector submitted to the Second Judge, City Civil Court, Hyderabad, dt, 16-09-1958
- Ex.B94: Certified copy of order of Board of Revenue in File No.BB4/1117/67, dt. 19-09-1968
- Ex.B95: Certified Copy of Stay application filed by the State Govt. in the Supreme Court T. Krishna Rao case, dt. 22-08-1977
- Ex.B96: Certified copy of order dt.10.03.1986 in L.A. No.299/85 in O.S.No. 139/85 on the file of the Prl.District Munsif East and North (K. Rama Mohan Rao Vs., Osmania University)
- Ex.B97: Certified copy of interim order dt. 06.04.1988 of the High Court in C.M.P.No.5865 of 88 and C.M.P.No. 7056 of 88 in C.R.P.No1005 of 88 (Osmania University Vs.. Rajeshwar Rao).
- Ex.B98: Certificate issued by Inspector of Police, Government, Vijayawada P.S. (Vemuri Basava Kuttumba Rao) (Regarding Loss of documents), dt. 20-01-2008
- Ex.B99: Registration Extract of the sale deed dt. 09-12-1967 without plan executed by

Habeebuddin in favour of (1) Tummala Krishna Rao S/o. T. Veeraiah, (2) Lingam Chandrashekhara Rao S/o. Kristayya (3) Donepuri Brahmeswara Rao S/o. Eswara Venkateshwarlu (4) Vemuri Kutumba Basava Rao S/o. Venkatramaiah (5) Kottaru Saradamba W/o. Venkateshwara Rao (6) Atta Bharadwajulu S/o. Rathnaiah.

Ex.B100: Attested copy of Osmania University Act 1959.

Ex.B101: A.P. Universities Act of 1991.

Ex.B102: True copy of Royal Charter in Urdu (Firman) For establishment of the university with effect From 1st Muharram 1337 Hijri which is equivalent to 7th October, 1918 and inauguration on 10th Zilhaj 1337 Hijri is equivalent to 6th September, 1919

1<sup>st</sup> Muharram 1337 Hijiri 2<sup>nd</sup> Azur 1328 Fasli 07.10.1918

Ex.B103: English translation of B. 102 Royal Charter

1<sup>st</sup> Muharram 1337 Hijiri 02<sup>nd</sup> Azur 1328 Fasli 07-10-1918

Ex.B104: English Translation of Ex.A.1 submitted by V. Rajeshwar Rao R.W.12 (R.26 in LGC). 23-03-1333 F Bahman 27-12-1926 AD

Ex.B105: English translation of Ex.A.2 submitted by V.Rajeshwar Rao R.W.12 (R.26 in LGC). 13-09-1335 F Amardad 18-06-1926 AD

Ex.B106: English Translation of Ex.A.4 submitted by V Rajeshwar Rao R.W.12 (R.26 in LGC). 10 Ardibehisht 1336 F 15-03-1927 AD

Ex.B107: English Translation of Ex.A.5 submitted by R.W-12 (R.26 in LGC). 18 Aban 1336 F 24-09-1927 AD

Ex.B108: English Translation of Ex.A.6 submitted by V. Rajeshwar Rao R.W.12 (R.26 in LGC). 15 Azur 1342 F 20-10-1932 AD

Ex.B109: English Translation of Ex.A.7 submitted by V. Rajeshwar Rao R.W.12 (R.26 in LGC). 19<sup>th</sup> Dai 1342 F 24-10-1932 AD

Ex.B110: English Translation of Ex.A.8 submitted by R.W-12 (R.26 in LGC). 29 Azur 1342 F 03-11-1932 AD

Ex.B111: Letter dt. 18-07-2008 of V. Rajeshwar Rao (witness R.W.12 R26) to the Registrar (Osmania University) received by Deputy Registrar, Estate Cell, Osmania University.

Ex.B112: Original sale deed dt. 19-11-1997 with plan executed by G.S. Prakash Rao in favour of S.Vimla(wife of RW18) Part of H.No.1-91/3 etc.

Ex.B113: Registration extract of sale deed dt. 30-04-1985 with plan executed by B. Venkata Rama Rao in favour of Smt.K.Kalawathi,H. No.1-91/3.

Ex.B114: Original sale deed dt.30-04-1985 with plan executed by K.S. Pandu Babu in favour of Vimla, H.No.1-91/2.

Ex.B115: Original sale deed dt. 30-04-1985 with plan executed by B.V.Rama Rao in favour of K.S Pandu Babu.

Ex.B116: Bunch of 12 property tax receipts, bunch of 4 notices, one challans issued to S. Vimala dt. 03-10-2002, 26-07-2002, 30-05-1998, 27-12-1995,

Ex.B117: Bunch of 2 plans in the name B.V.Rama Rao Sanctioned by Habsiguda Gram Panchayat Executive Officer dt. 31-03-1981

- Ex.B118: Original sale deed with plan executed by G.S.Prakash Rao in favour of S.V.Sudhir H.No.1-90/3, dt. 30-04-1985
- Ex.B119: Sale deed dt. 30-04-1985 with plan executed by B.V.A.Rao in favour of G.S.Prakash Rao, H.No.1-90/3.
- Ex.B120: Original Sale deed dt. 30-04-1985 executed by K. Kalawathi in favour of S.V.Sudhir H.No.1-91/6
- Ex.B121: Original sale deed (with plan) dt. 30-04-1985 executed by B.V.Rama Rao in favour of K. Kalawati H.No.1-91/6.
- Ex.B122: Bunch of one challan and one property tax Receipt in the name of S.V.Sudhir, dt. 29-12-2004
- Ex.B123: Bunch of 3 sanctioned plans in the name of of B.V. Rama Rao and another in respect of Revised shed No.1-91/6, 1-90/3 and 1-91/1 dt. 20.06.1981
- Ex.B124: Bunch of property tax receipts, challans, Demand notices issued to S.V.Sudhir (son of R.W.18) by Uppal Municipality, dt. 02.08.2003, 03.10.2022, 20-12-1990, 20-10-1992, 05-06-2003, 01-09-1993, 30-05-1998, 27-12-1995, 01-09-1993, 26-06-1992, 31-03-1990, 02-08-2003, 03-10-2003,19-11-2001, 27-12-1995, 30-05-1998
- Ex.B125: Bunch of one property tax notice and 3 Receipts issued in the name of R.W.18 (S.V. Parathasarathy Rao by Uppal Kalan Municipality), dt, 01-09-1993
- Ex.B126: Original gift deed dt. 19-11-1997 with plan, executed by G.V. L Vijay Kumar in favour of seva Trust H.No. 1-90/11
- Ex.B127: Original gift settlement deed dt. 14-11-1997 executed by G.V.L. Vijay Kumar in Favour of Seva Trust H.No. 1-90/11.
- Ex.B128: Bunch of property tax receipts and two challans issued in the name of seva trust by Uppal Municipality and seva, dt. 03-10-2002 etc.,
- Ex.B129: Registration extract of sale deed dt. 30-04-1985 executed by B.V. Rama Rao in favour of G.V.L. Vijaykumar and Another H.No. 1-90/11.
- Ex.B130: Bunch of 2 sanctioned plans issued by Gram Panchayat in respect of shed 1-90/11 & 1-90/1, dt. 20-06-1991
- Ex.B131: Original sale deed dt. 30-04-1985 with plan executed by B.V. Rama Rao in favour of S. Nagaiah (father of R.W. 18), H.No. 1-91/8.
- Ex.B132: Original sale deed with plan dt. 30-04-1985 executed by B. V. Rama Rao in favour of G.V.L. Vijay Kumar, H.No. 1-91/8.
- Ex.B133: Bunch of 5 property tax receipts, one demand notice one challans issued in the name of daughter of R.W.18 by Uppal Municipality and E.Seval. dt. 03-10-2002 , 02.08.2003, 26.06.1992 and 20-10-1992
- Ex.B134: Sanctioned plan in respect of shed No. 1-91/8 issued by Habsiguda Gram Panchayat, dt. 20-06-1981
- Ex.B135: Original sale deed dt. 30-04-1985 with plan executed by G.V.Murli Krishna in favour of S.Nagaiah(father of RW18), H.No. 1-91/7.
- Ex.B136: Original Sale deed with plan dt. 30-04-1985 executed by B.V. Rama Rao in favour of G.V. Murli Krishna, H.No. 1-91/7.

- Ex.B137: Bunch of 4 property tax receipts, one demand notice and one challan issued in the name of S.Seersha Padma (daughter of R.W. 18) Swarasree etc., by Uppal Municipality and E.Seva dt. 03.10.2002, 31.03.1990, 01.09.1996
- Ex.B138: Sanctioned plan in respect of shed 1-91/7 issued by gram Panchayat Habsiguda., dt. 20-06-1981
- Ex.B139: Registration extract of sale deed dt. 30-04-1985 by K.S. Pandu Babu in Favour of S.V. Sudhir.
- Ex.B140: Notice issued by Shri. Syed Ali Asgar Osmania University Engineer to Ganapathi Rao (to the notice issued in Deccan Chronicle), dt. 15-09-1962
- Ex.B141: Registration extract of sale deed with plan executed by Habeebuddin in favour of (1) Tummala Krishna Rao S/o. T Veeraiah, (2) Lingam Chandrashekhara Rao S/o. Kristayya (3) Donepuri Brahmeswara Rao S/o Eswara Venkateshwarlu (4) Vemuri Basava Kutumba Rao S/o. Venkatramaiah (5) Kottaru Saradamba W/o Venkateshwara Rao (6) Atta Bharadwajulu S/o Rathnaiah
- Ex.B142: Registration extract of sale deed executed by Habibuddin in favour of V. Kesawa. Rao (father of R.W.20) and others relating to 22 acres in S.No.10/1 Habsiguda (which is part of L.G.C. Application land), dt. 21-01-1966
- Ex.B143: Certified copy of letter of V. Kesava Rao to the Special Officer M.C.H., in respect of Compensation to be awarded for land acquired for laying road, dt. 21-12-1985
- Ex.B144: Certified copy of reply letter from Addl. Commissioner M.C.H. Secunderabad Division to V.Krishna (brother of R.W.20), 06-01-1986
- Ex.B145: Certified copy of representation of V. Kesava Rao to the Additional Commissioner M.C.H., Sec'bad, dt. 18-01-1986
- Ex.B146: Registration extract of sale deed executed by P.Nagabhushnam and Ravi Subba Rao in favour of Vendors ie., Tummala Subrahmanyam and Tummala Venkata Ramalingeswara Satyaprasad of R.W.21 (Gullapalli Venkata Surya Narayana Respondent No.54 in LGC) relating to plot no. 87, dt.27-04-1966
- Ex.B147: Encumbrance certificate relating to Plot No.87 S.No.10/2 Habsiguda for the period 28.6.1980 to 6-1-2010, dt. 07-01-2010
- Ex.B148: Original sale deed dt. 13-08-1982 executed by Tummala Subrahmanyam and others in favour of G. Sreeram Murthy and others. Plot No.87-555 square yards in deed executed by Tummala Sy.No. 10/2
- Ex.B149: Original sale deed dt. 09-10-1963 executed by Habeebuddin So Hafeezuddin in favour of Sri Vittal Rao S/o, Narayan Ran Thodevala for an extent of 500 square Yards out of Sy. No. 10/2 of Habsiguda Village.
- Ex.B150: Encumbrance certificate No. 5094 issued by the Sub registrar office, dt. 15-11-1966
- Ex.B151: Sanction plan for construction of temporary rooms issued by Gram Panchayat dt. 08-07-1966
- Ex.B152: Order passed by the Commissioner of Land Revenue in proceedings No.TT4/1084/80 in the appeal filed by the Osmania University Registrar of

Hyderabad, dt. 24-01-1987

- Ex.B153: Urdu Gazette No.34, Volume No.53, issued by Nizam Government  
21<sup>st</sup> Amardad 1331 Fasli 26.06.1922 AD
- Ex.B153(a): English translation of Ex.B. 153, 21<sup>st</sup> 1331 Fasli 26.06.1922 AD
- Ex.B154: Urdu Gazette No.18 Volume No. 63 issued by Nizam Government  
13<sup>th</sup> Farwardi 1341 F 29-01-1932 AD
- Ex. B154(a): English translation of Ex.B-154, 13<sup>th</sup> Farwardi 1341 Fasli 29.01.1932 AD
- Ex.B155: Certified copy of the plaint in O.S.No.2/1 of 1956 in English, dt. 13-02-1956
- Ex.B156: Certified copy of the written statement in O.S.No.2/1 of 1956 in Urdu,  
dt.14-06-1956
- Ex.B157: Certified copy of the translation of Urdu written statement in O.S.No.2/1 of  
1956 in English, dt.14-06-1956
- Ex.B158: Certified copy of the rejoinder filed by Osmania University in O.S.No.2/1 of  
1956, dt. 22-08-1956
- Ex.B159: Certified copy of the letter reporting that the possession of Mr. Zainuddin's  
land, garden and house have been taken  
04.02. 1347 F 08.11.1937 AD
- Ex.B160: Urdu letter regarding sanction of the compensation amount to Mr.Manzoor  
Jung land and taking possession thereof after payment (marked as Ex.P.8).  
15<sup>th</sup> Isfandaar 1347 F 17-01-1938 AD
- Ex.B161: Certified copy of the plan showing plot No.111.
- Ex.B162: Plan showing encroached area in Plot No.94.
- Ex.B163: Certified copy of the plan showing plot No.94.

I Addl. District Judge-cum-Special Tribunal,  
Medchal-Malkajgiri District at Kushaiguda.

Vs

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