



**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE SRI JUSTICE T.VINOD KUMAR
AND
THE HONOURABLE SMT JUSTICE P.SREE SUDHA**

WRIT PETITION NO: 16660 OF 2006

Between:

1. R. Mohan Rao Yadav S/o Mallesh, 39 years, Business, R/o H.No.9-92, Venkateswara Nagar, Malkajigiri (V) and (M), Ranga Reddy District
2. R. Prabhakara Rao Yadav, (Died per Lr as P3) S/o Mallesh, 35 years, Business, R/o H.No.9-92, Venkateswara Nagar, Malkajigiri (V) and (M), Ranga Reddy District
3. R.Madhavi, W/o R.Prahhakar Yadav, Aged about 49 Years, Occ Housewife, R/o. H.No.9-92/6, Venkateswara Nagar, Malkajigiri (V) and (M), Ranga Reddy District.

(Petitioner No. 3, is brought on record as Lr of deceased Petitioner No.2, as per Court Order dated 12.02.2024 Vide IA.No.1 of 2024 in WP. No.16660 of 2006)

...PETITIONERS

AND

1. Geedi Sudershan S/o Rajaiah, 58 years, Servant, R/o. Old Malkajigiri, Ranga Reddy District
2. R. Narsing Rao Yadav, S/o Mallesh, 43 years, Business R/o H.No.9-92, Venkateswara Nagar Malkajigiri (V) and Mandal Ranga Reddy District
3. Spl. Court under A.P. Land Grabbing (Prohibition), Act, rep. by the Registrar.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Certiorari

- (i) declaring the judgement passed in LG C. No. 37 of 2003 dated 21-06-2006 by the special Court under A.P. Land Grabbing (Prohibition) Act,



2025:TSHC:22590-DB

Hyderabad as arbitrary, illegal, violative of Art. 14 and 300-A of the Constitution of India and consequently quash the same.

I.A. NO: 1 OF 2006(WPMP. NO: 20860 OF 2006)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the judgement passed in LG C. No. 37 of 2003 dated 21-06-2006 on the file of the Special Court under A.P. Land Grabbing (Prohibition) act, Hyderabad during pendency of the Writ Petition. Otherwise the petitioners and their mother will be put to irreparable loss and injury during pendency of the Writ Petition.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the Petitioners to file the certified copies of Sale Deeds and marked as Ex. B2 to B4 as additional documents in the above W.P.No. 16660/2006, in the interest of justice.

Counsel for the Petitioners: SRI G.MADHUSUDHAN REDDY

Counsel for the Respondent No.1: SRI CH.RAVINDER

Counsel for the Respondent No.2: SRI V.VENKATESWAR RAO

The Court made the following: ORDER



**THE HON'BLE SRI JUSTICE T. VINOD KUMAR
AND
THE HON'BLE SMT JUSTICE P.SREE SUDHA**

W.P.No.16660 OF 2006

ORDER: *(per Hon'ble Sri Justice T.Vinod Kumar)*

This Writ Petition is filed aggrieved by the order dt.21.06.2006 passed in LGC.No.37 of 2003 by the Special Court under AP Land Grabbing(Prohibition)Act (for short 'the Act') at Hyderabad.

2. Heard learned counsel for the petitioners, Sri Ch.Ravinder, learned counsel for respondent No.1, Sri V.Venkateshwar Rao, learned counsel for respondent No.2, and perused the record.
3. The petitioner Nos.1 & 2 herein are respondent Nos.2 & 3 before the Special Court and petitioner No.3 has been impleaded in the present proceeding as 3rd petitioner being LR of 2nd petitioner herein, who it is stated had deceased during pendency of the present writ petition.
4. The 1st respondent herein is the applicant before the Special Court.

Background of the case:

5. The 1st respondent herein had filed the underlying application before the Special Court under Section 8(1) of the Act claiming that his land to an extent of 1,762 sq. yards in Sy.No.696 situated in Malkajgiri

Village and Mandal, Ranga Reddy District, has been grabbed by the respondent Nos.1 to 3 therein, without any valid entitlement or title, and thus, are to be declared as land grabbers.

6. The 1st respondent/applicant before the Special Court claimed that out of 1762 sq. yards of land, the 1st respondent grabbed land to an extent of 496.6 sq. yards, the 2nd respondent grabbed land to an extent of 931.9 sq. yards and the 3rd respondent grabbed land to an extent of 334.8 sq. yards, respectively, and thus, sought to direct the respondents jointly and severally to vacate the application schedule land and to deliver vacant and peaceful possession of the application schedule land to the applicant.

7. On the Special Court taking cognizance of the aforesaid application and issuing notification by publishing the same in the Gazette, no objections have been received.

8. Respondent Nos.1 to 3 before the Special Court, on being issued with the notices in the aforesaid LGC, have filed their counter through the 3rd respondent/2nd petitioner herein.

9. By the counter affidavit filed, the 3rd respondent while admitting that the land in survey No.696 originally belonged to the applicant's father, however, denied the claim of the applicant that his father had kept small portion consisting of 2000 sq. yards for the purpose of



future family needs while selling away the remaining extent of land by making plots.

10. By the counter affidavit the 3rd respondent further claimed that his mother Smt R.Kousalya Yadav is the absolute owner and possessor of land admeasuring Acres 2.06 guntas in Sy.No.698 situated on the western side of the applicant's land in Sy.No.696 and having pattadar pass book for the said extent of land; that the applicant's family and respondents' family members fixed boundaries in respect of their land 25 years back itself; that applicant's family elders constructed a room on the boundary of their land towards 3rd respondent land; that after fixing boundaries, the applicant and his elders made a layout for their land and sold the entire property 25 years back itself; that when the respondents' family members divided their property by way of gift deed and started developing the land, and seeing the land being developed, the applicant started creating disturbance on the 3rd respondent's land in order to extort money; and that the applicant started raising disputes only after the applicant's father having deceased in the year 1999.

11. The 3rd respondent by the counter affidavit further contended that the 1st respondent/applicant filed a suit for injunction against the applicant *vide* O.S. No.88 of 2003 on the file of the Prl. Junior Civil

Judge, East and North, Ranga Reddy District, however, was not successful in getting any injunction therein.

12. By the counter affidavit it is further contended that the claim of the applicant that the 1st respondent having failed to secure an injunction in the suit filed *vide* OS.No.88 of 2003, had instigated his brothers i.e., respondents No.2 & 3 without any authority or right to come over the applicant's land along with anti social elements and tried to encroach the application schedule land and also the applicant approaching the police authorities on 28.01.2003 to report about the said matter and the concerned police not taking any action against the respondents and advising the applicant to approach the Civil Court to seek appropriate remedy is not correct and resorted to only to file the underlying application before the Special Court.

13. By the counter affidavit it is also denied that the 3rd respondent taking advantage of the civil cases pending between the respondents and applicant, had come to the application schedule property on 09.04.2003 along with anti social elements and grabbed the application schedule property and put up a temporary shed therein, much less the extent of the land as claimed in the application.

14. By the counter affidavit the respondents also denied that the application schedule land being claimed by the applicant as lying towards northern side of land in survey No.698 belong to the



respondents is contrary to the claim of the applicant wherein he had stated that the respondents have grabbed the western side portion of the land bearing survey No.696 to an extent of 1762 sq. yards, and as such, the respondents cannot be declared as land grabbers, since, the application does not disclose the correct cause of action, and the applicant having failed to discharge the initial burden cast on him under Section 10 of the Act.

15. The Special Court by considering the application and counter filed, framed the following issues in the abovementioned LGC for adjudication:

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 applicant?
3. Whether the respondents are land grabbers?
4. Whether the applicant is entitled for damages?
5. To what relief?

16. On the Special Court framing the above issues for adjudication, the applicant examined himself as PW1 and another person, who is his close relative resident of Malkajgiri Village as PW2 and in support of their case, marked Exs.A1 & A2. ExA1 is the true extract of pahani of the year 2002-03, and ExA2 being the rough sketch of application schedule land.

17. On behalf of respondents, the 3rd respondent in the application was examined as RW1 and in support of his evidence, has marked a document as Ex.B1, being registration extract of sale deed executed by G.Rajaiah(applicant's father) and 7 others in favour of R.Subbarao dt.29.10.1979.

Findings of the Special Court:

18. The Special Court by considering the evidence adduced on behalf of the applicant and also considering the rival title set up by the respondents though their mother, Smt Kousalya Yadav, as being the owner of land in survey No.698 to an extent of Acres 2.06 guntas and the said land is situated on the western side of the applicant's land, however, taking note of the evidence adduced on behalf of the applicant as PW1, and also the admissions made by RW1 in his cross examination by the applicant had held that the respondents having not filed any document to show that their mother Kousalya Yadav executing sale deed in their father's name for it to be partitioned among the respondents; that the respondents having not filed any document to show that the boundaries were fixed between the applicants' land in Sy.No.696 and their land in Sy.No.698 about 20 years back as claimed in the counter; that Ex.B1 marked by them does not belong to their land and it is related to the border land; and that the respondents having not filed any revenue record like pahani copy and other



documents to show the extent of land held by their mother, concluded that the evidence of RW1 clearly reveals that he failed to produce any documentary evidence to show that his/their mother is the owner of the property in survey No.698 and further failed to produce any document in favour of his father, which the respondents claimed on being gifted being partitioned among them, declared the respondents to be land grabbers.

19. The Special Court also noted that as the respondents did not produce any revenue record in support of their contention of being owner and possessor of land to an extent of Acres 2.06 guntas and being issued with pattadar pass book, the Ex.B1 marked by the respondents, viz., sale deed, does not relate to the land being claimed by them, is of no assistance to establish the rival title/ claim set up by the respondents over the application schedule land.

20. The Special Court further noted that the RW1 having categorically admitted that on the applicant filing application to survey the land and surveyor having fixed the boundaries, and only thereafter his brother having filed a suit *vide* OS.No.88 of 2003 and having failed to obtain any injunction order from the Court, are in fact positive proof to conclude that the respondents failed to establish the rival title setup to the subject land and also miserably failed to establish that they are



the owners of the schedule land and on the other hand the very admissions by RW1 support the contention of the applicant.

21. The Special Court by considering all the above facts concluded that the respondents failed to establish the rival title set up by them and the sole applicant proved and established title over the application schedule land as his ancestral land.

22. The Special Court also noted that the applicant having established title over the application schedule land, had also established that the respondents have no right over the application schedule land and failed to produce any iota of evidence about their right and title.

23. The Special Court further noted that the Commissioner appointed by the Special Court in his report having observed that the disputed land is in Sy.No.696 and same was grabbed by the respondents, concluded that the respondents are in possession of the application schedule land without any right and title, and hence declared them as land grabbers within the meaning of the Act.

24. The Special Court, accordingly, held that the respondents are liable for eviction and directed the respondents to vacate the application schedule land within a period of two (02) months from the date of the order, failing which the RDO concerned was directed to evict the respondents from the scheduled land and handover vacant



possession of the same to the application within a period of two months after the expiry of the period fixed above and submit compliance.

25. Aggrieved by the aforesaid order, the present Writ Petition is filed by the respondents before the Special Court.

26. On behalf of the writ petitioners it is contended that the Special Court had erred in declaring the petitioners as land grabbers in respect of land admeasuring 1762 sq. yards in Sy.No.696 without considering their mother *namely* Kousalya Yadav was owner of land to an extent of Ac.2.06 gutnas in survey No.698 which is abutting to the land in survey No.696 on the western side.

27. On behalf of the petitioner it is further contended that the 1st respondent/applicant in the application filed before the special court under 8(1) of the Act in Form-1 had himself shown the land of the petitioners in survey No.698 to be on the west side, and thus, the claim made in the application is self contradictory as the land being claimed by the respondents herein is situated on the northern side of Sy.No.696 wherein about 30 huts are existing.

28. On behalf of the petitioners it is further contended that the petitioners' father having sold the entire extent of land possessed by them by making plots and is left with no land and only seeing the land possessed by the petitioners being developed, is trying to lay claim to



the subject land claiming that the petitioners having grabbed his land in survey No.696.

29. On behalf of the petitioners it is further contended that the respondents, who examined himself as PW1 before the Special Court in his cross-examination having admitted to the fact that he having not filed layout copy obtained by his father in respect of land possessed by them and they having retained land to an extent of 2000 sq. yards for future family needs out of survey No.696 to an extent of Acres 2.00 odd, cannot claim of the petitioners having grabbed his land.

30. On behalf of the petitioners it is further contended that the 1st respondent/applicant herein in his cross-examination having further admitted to the fact that there are huts in the land belonging to them is only seeking to recover the land lost on account of the existence of huts in survey No.696, by claiming the land of the petitioners in Sy.No.698.

31. On behalf of the petitioners it is also contended that since, there is a variation in the extent of the land being claimed by the 1st respondent/applicant herein in the application and the Advocate Commissioner's report; and that there being discrepancies in the boundaries, the respondents did not discharge the initial burden in terms of Section 10 of the Act for the petitioners to prove their title to the subject land, for them to be disclosed as land grabbers.



32. In support of the aforesaid submissions reliance has been placed on the decision of this Court in ***R.Komaraiah v. Spl. Court under AP Land Grabbing***¹, wherein it has been held as under:

“15. Section 10 of the Act in no uncertain terms records that burden of proving that the land has not been grabbed by him shall be on such a person who alleges the same. The general principles of Evidence Act as regards burden of proof is well settled, i.e., one who alleges must prove. On a plain reading of Section 10, it is abundantly clear that the initial burden is on the applicant, whether it is government or private person, to *prima facie* prove that the land grabbed belongs to it or him. Once the said initial 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.”

33. On behalf of the petitioners it is contended that since, the 1st respondent/applicant had failed to discharge initial burden, the Special Court ought not to have declared the petitioners herein having failed to establish the rival title set up by them, while the applicant having proved that he is the owner of the subject land, thereby the petitioners being declared as land grabbers under the Act with a further direction for vacating the subject land and delivering vacant possession within two months.

34. *Per contra*, learned counsel appearing on behalf of the 1st respondent/applicant would submit that the Special Court in para 3 of its order had discussed in detail the facts stated in the concise

¹ 2002(5) ALD 579

statement filed along with the application, wherein the 1st respondent/applicant had stated that his grandfather, late Narayana, acquired lands in Sy.Nos.696, 678, 679, 700, 701, 702, 703, 704 and 705 totally admeasuring Acres 13.38 guntas and after the death of his grandfather-late Narayana in the year 1964, his two sons, namely late Rajaiah and Yadaiah, jointly inherited the said property.

35. On behalf of the 1st respondent/applicant it is further contended that before the Special Court it has been specifically pleaded that in the year 1977, there has been oral partition of the lands, which has been reduced into writing 21.08.1977 between the two sons of late Narayana, namely Rajaiah and Yadaiah, and late Rajaiah being the father of the applicant sold portion of land in Sy.No.696, keeping small portion of land admeasuring 2000 sq. yards with them, and Rajaiah having deceased in the year 1999, the applicant has become the absolute owner and possessor of land, including land to an extent of 2000 sq. yards in Sy. No.696.

36. On behalf of the 1st respondent/applicant it is further contended that the 1st respondent/applicant herein had discharged *prima facie* burden cast on him under Section 10 of the Act and thus, it is for the petitioners/respondents to prove that they had valid title and entitlement to the land being claimed by them as forming part of



Sy.No.698 and not grabbed from the land of the 1st respondent/applicant in survey No.696.

37. On behalf of the 1st respondent/applicant it is further contended that the Special Court by considering the rival claims had framed issues and the parties have proceeded to trial on the issues framed, which *inter alia* included the issue relating to the rival title set up by the petitioners.

38. On behalf of the 1st respondent/applicant it is contended that the Special Court having specifically noted that the 2nd petitioner herein having admitted that they having not filed any document to show that his mother got executed a sale deed in favour of his father, which land is claimed as having been partitioned among the petitioners herein, the petitioners cannot claim of having established rival title set up by them.

39. On behalf of the 1st respondent/applicant it is further contended that the petitioner/3rd respondent by the counter affidavit filed before the Special Court did not claim the application schedule land to be situated on the western side of the respondent's land in Sy.No.696, and on the other hand in the counter affidavit filed by the 2nd petitioner herein, it has been stated that the application schedule land is in the north-eastern side of their land, thus, the petitioners are varying their stand taken by them before the Special Court and as urged before this Court.

40. On behalf of the respondent it is also contended that in the application filed before the Special Court it has been specifically pleaded of the petitioners having grabbed his land on 09.04.2003, and having put up a temporary shed therein, had made out a case of land grabbing and it is not based on mere allegation of grabbing, as contended by the petitioners.

41. By contending as above, on behalf of the 1st respondent/applicant it is stated that since the findings recorded by the Special Court with regard to the alleged act of land grabbing being conclusive proof of land grabbing and being a finding of fact arrived at by the Special Court based on documentary and oral evidence adduced by the parties, the said finding cannot be disturbed unless and until it is shown that the Special Court could not have arrived at such conclusion.

42. In support of the aforesaid submission, on behalf of the respondent reliance is placed on the decision of the Apex Court in the case of **State of A.P. vs. Abdul Khuddus (Dead) by Lrs. & Others**,² wherein it has been held as under:

“9. It is now well settled that the High Court in writ jurisdiction under 226 of the Constitution of India, may interfere with the findings of fact arrived at by the Special

² 2007(15) SCC 261



Court only if the findings are based on no evidence or based on conjectures or surmises, and if no reasonable man, on a given facts and circumstances come to a conclusion, therefore, it is pellucid that it is only in these circumstances it would be open to the High Court to interfere with the findings of fact arrived at by the Special Court."

43. By contending as above, learned counsel for the respondent seek for dismissal of the writ petition.

44. We have taken note of the respective submissions made.

45. At the outset, it is to be noted that scope of interference with an order of the Special Court by a High Court under Article 226 and 227 of the Constitution of India is very limited. It is only in cases where the Special Court had excluded the relevant material from being considered and having considered irrelevant material to arrive at a decision therein, resulting in miscarriage of justice, interference by the High Court is warranted.[See: ***State of A.P. v. Prameela Modi & Others***³, and ***State Of Andhra Pradesh v P.V. Hanumantha Rao (D) Thr. Lrs. and Anr.***⁴].

46. In the facts of the present case, though on behalf of the petitioners it has been vehemently contended that the respondent herein having failed to discharge initial burden cast on him in terms of

³ (2006) 13 SCC 147

⁴ (2003) 10 SCC 121

Section 10 of the Act, and thus, the Special Court ought not to have held the petitioners/respondents having failed to discharge the burden of proving themselves as not having grabbed the land for them to be declared as land grabbers, it is to be noted that before the Special Court, the petitioners herein had set up a rival title claiming that their mother Kousalya Yadav to be the owner of land in Sy.No.698 to an extent of Acres 2.06 guntas and she having sold part of the land in favour of their father. However, no document has been marked on behalf of the petitioners herein to establish the factum of their mother having land to an extent of Acres 2.06 guntas in Sy.No.698 or any sale deed having been executed in favour of their father, which land is being partitioned among themselves.

47. Further, the petitioners before the Special Court have pleaded that in the sale deed executed by the respondent's father along with others in favour of one R.Subba Rao, the western boundary is shown that of the land of the petitioners, a perusal of the sale deed, which is marked as Ex.B1 by the petitioners herein, records the west boundary to be "Rami Reddy Farm land".

48. Thus, the petitioners having not adduced any evidence and on the other hand the Special Court taking note of the admissions made by the 2nd petitioner herein, who was examined as RW1, cannot now claim that the Special Court having considered irrelevant material



excluding the relevant material for him to feel aggrieved by the order of the Special Court.

49. Further, it is also to be noted that the Commissioner appointed by the Special Court in his report along with sketch having identified the land forming part of Sy.No.696 in the possession of the petitioners herein, this Court is of the view that it is not open for the petitioners to claim themselves to be in possession of the said land having any valid title and entitlement, for them to contend that the Special Court having failed to consider the case in correct perspective.

50. The Special Court having scanned the entire evidence adduced on behalf of the parties and also taking note of the fact that the petitioners herein except making statement by their counter affidavit, having not adduced any evidence, had come to conclusion that the 1st respondent/applicant herein as applicant having established his title to the land in Sy.No.696 and the petitioners herein having failed to establish the rival title set up by them, declared the petitioners' possession of land as noted in the sketch submitted by the Commissioner before the Special Court to be by way of land grabbing, and accordingly, declared the petitioners to be the land grabbers.

51. The said finding of fact in our considered view being a finding of fact ought not to be disturbed ordinarily, unless and until the petitioner

demonstrate that in normal circumstances the Court could not have arrived at the said conclusion.

52. However, effective the arguments may have been advanced on behalf of the petitioners before this Court, the same cannot reverse the factual aspects recorded by the Special Court, for this Court to conclude the Special Court having erred in law in considering the said factual aspects.

53. It is also settled position of law that if only the Special Court had erred in law in considering the factual aspects then only interference by High Court in exercise of 226 or 227 jurisdiction, is warranted.

54. Since, in the facts as noted above, the petitioners have failed to establish the claim of rival title set up by them before the Special Court in respect of the subject land being claimed by them, it cannot be said that the Special Court having erred in passing the impugned order for it to be interfered by this Court in a writ petition filed under Article 226 of the Constitution of India.

55. For the aforesaid reasons, this Court is of the view that the order of the Special Court in declaring the respondent herein as the owner of the application schedule property and the petitioners herein having failed to establish the rival title set up by them to the subject land, cannot be said either as erroneous, perverse or suffering from illegality for being interfered by this Court.



56. Accordingly, the Writ Petition as filed is devoid of merit and is dismissed. No order as to costs.

57. Consequently, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/-K. SREE RAMA MURTHY
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. One CC to SRI G.MADHUSUDHAN REDDY, Advocate [OPUC]
2. One CC to SRI CH.RAVINDER, Advocate [OPUC]
3. One CC to SRI V.VENKATESWAR RAO, Advocate [OPUC]
4. Two CD Copies

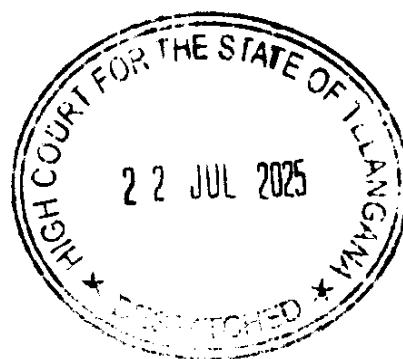
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2025:TSHC:22590-DB

HIGH COURT

DATED:09/06/2025



ORDER

WP.No.16660 of 2006

**DISMISSING THE WRIT PETITION,
WITHOUT COSTS**

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