

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
FRIDAY, THE SEVENTH DAY OF JUNE TWO THOUSAND AND NINETEEN

:PRESENT:

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

IA No. 1 OF 2019

IN

WP NO: 10790 OF 2019



Between:

1. G. Subramanyam, S/o. Late G.K. Sarma, aged about 64 years, R/o. 304 A, Road No.78, Jubilee Hills, Hyderabad.
2. G. Sandhya, W/o. G. Subramanyam, aged about 63 years, 304A, Road No.78, Jubilee Hills, Hyderabad.
3. G.V. Gautam, S/o. G. Subramanyam, aged about 37 years, R/o. 304A, Road No.78, Jubilee Hills, Hyderabad, rep., by his GPA Holder G. Subramanyam, S/o. Late G.K. Sarma, aged about 64 years, R/o. 304A, Road No.78, Jubilee Hills, Hyderabad.

...Petitioners
(Petitioners in WP.No.10790 OF 2019
on the file of High Court)

AND

1. The Tahsildar, Shaikpet Mandal, Hyderabad.
2. The Revenue Divisional Officer, Secunderabad Division, Hyderabad.
3. The District Collector, Hyderabad District at Hyderabad.
4. The State of Telangana, rep. by Secretary, Revenue Department, Secretariat, Hyderabad.

...Respondent(s)
(Respondents in-do-)

Counsel for the Petitioners : M/s. BHARADWAJ ASSOCIATES

Counsel for the Respondent Nos.1 to 4 : GP FOR REVENUE

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to interfere with the possession and enjoyment/construction of the petitioners over the plot of land admeasuring 525 sq. yards in Old Sy.No.403/346 correlating to T.S.No.1/4, 2/2, 3/1 and 4/6 in Block G, Ward No.10, with house Nos.8-2-603/B/5/1/11, Road No.10, Banjara Hills, Hyderabad, pending disposal of WP.No.10790 of 2019, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following.
(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

The petitioners assert rights over an extent of land admeasuring 525 square yards in House No.8-2-603/B/5/1/11 situated at Road No.10, Banjara Hills, Hyderabad. According to them, this land does not fall within the purview of the Urban Land (Ceiling and Regulation) Act, 1976, in the light of the judgement dated 12.11.2013 passed by the erstwhile High Court of Andhra Pradesh in W.P.No.17150 of 2013 and batch. Aggrieved by the interference with their possession over the subject house property by the revenue authorities, the petitioners are before this Court.

Learned Assistant Government Pleader for Revenue, State of Telangana, having obtained instructions, would inform this Court that W.P.No.21376 of 2008 was filed by one Ponduru Ahalya claiming rights as regards a small extent of land admeasuring 300 square yards in Plot No.5 of Defunct Jubilee Hills Municipality situated at Road No.10, Banjara Hills, Hyderabad, and by order dated 26.09.2008, the erstwhile High Court directed *status quo* as on that day in respect of the said property to be maintained.

Learned Assistant Government Pleader would however concede that the land claimed by Ponduru Ahalya is situated in House No.8-2-6-3/B/5/1/5.

The aforestated facts clearly demonstrate that the property claimed in W.P.No.21376 of 2008 is not the same as the house property claimed by the petitioners in the case on hand. Further, perusal of the judgment dated 12.11.2013 in W.P.No.17150 of 2013 and batch indicates that the petitioners' house property was held to be beyond the purview of the Act of 1976 as possession was not taken by the time the said Act was repealed.

In that view of the matter, it is not open to the revenue authorities to interfere with the possession of the petitioners over the subject house property on the ground that there is a *status quo* order in W.P.No.21376 of 2008. In any event, the said *status quo* order would only bind the revenue authorities and would have no application to the petitioners who independently claim rights over a different piece of land situated at Road No.10, Banjara Hills, Hyderabad. In the event the revenue authorities have any reason to interfere with the possession of the petitioners over the subject house property, they shall do so strictly in accordance with the due procedure laid down by law.

For counter, post on 22.07.2019.

SD/- K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Tahsildar, Shaikpet Mandal, Hyderabad.
2. The Revenue Divisional Officer, Secunderabad Division, Hyderabad.
3. The District Collector, Hyderabad District at Hyderabad.
4. The Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad (RR 1 to 4 By RPAD).
5. One CC to M/s. BHARADWAJ ASSOCIATES, Advocate [OPUC].
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT].
7. One spare copy
ZEE

HIGH COURT

SKJ

DATED:07/06/2019

ORDER

I.A.NO.1 OF 2019
IN
WP.No.10790 of 2019

STATUS QUO

