

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

**MONDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 7213 OF 2008

Between:

1. Kandadi Yadi Reddy, (Died per LR)
2. Smt.K.Chandra Kala W/o.Late K.Yadi Reddy, Aged about 65 years, Occ:
Household,
3. K.Sanjeeva Reddy S/o.Late K.Yadi Reddy, Aged about 52 years,
Occ:Business,
4. K.Brahmananda Reddy, S/o.Late K. Yadi Reddy, aged about 49 years, Occ:
Agriculture,
5. K.Chandrasekhar Reddy, S/o.Late K. Yadi Reddy, Aged about 47 years, Occ:
Agriculture,
6. K.Srinivas Reddy, S/o.Late K.Yadi Reddy, Aged about 46 years, Occ:
Agriculture,
7. K.Dayand Reddy S/o.Late Yadi Reddy, aged about 44 years, Occ:Business,

All are R/o.Balapur Village, Saroomagar Mandal, Ranga Reddy District.

**(Petitioners 2 to 7 are brought on record as LR's of deceased 1st
Petitioner as per C.O.dt.29/4/15 in WPMP No.44138/14)**

...PETITIONER

AND

1. The Director of Appeals, Office of the Chief Commissioner of Land
Administration, Andhra Pradesh, Hyderabad.
2. The Special Officer and Competent Authority, Urban Land Ceiling,
Hyderabad.

...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 a writ, order or direction more particularly one in the nature of writ of Certiorari calling for the records from the first respondent in Proceedings No.HYD/24/2007 and quash the order dated 19.12.2007, confirming the order of the second respondent in Proceedings No.D2/10492/76 and 10494/1976 dated 21.01.2007, in respect of the petitioners lands in Survey No.27, 28, 29, 39 and 47 of Roshandoula Village, Saroornagar Mandal, Ranga Reddy District, as being illegal, contrary to law, without jurisdiction and violative of the principles of natural justice.

I.A. NO: 2 OF 2017(WPMP. NO: 30644 OF 2017)

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 substitute the prayer in the Writ Petition with the following prayer: "It is therefore prayed that this Hon 'ble Court may be pleased to issue an appropriate Writ, order or direction, more particularly, one in the nature of Writ of Certiorari, calling for records in Proceedings No.HYD/24/2007, Order dated 19-12-2007 on the file of the First Respondent confirming the Order dated 24-1-2007 of the Second Respondent in Proceedings No.D2/10492/76 and 10494/76 and all consequential proceedings under Section 9 dated 24-01-2007, 10(1), 10(3) dated 28-1-2008 (Published in Gazette No.32 dated 01-02-2008, Notice under 10(5) dated 8-2-2008 and 10(6) dated 11-03-2008 and Panchanama dated 12-3-2008 of the Second Respondent in respect of the Petitioners lands in Sy.Nos.27, 28, 29, 39 and 47 of Roshandoula Village, Saroornagar Mandal, Ranga Reddy District as quash the same as being illegal, contrary to law, without jurisdiction and violative of principles of natural justice and Articles 14, 19(g), 21 and 300-A of the Constitution and pass such other order or orders as this Hon 'ble Court may deem fit and proper in the circumstances of the case.

I.A. NO: 1 OF 2008(WPMP. NO: 9476 OF 2008)

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 operation of the order dated 24.01.2007 in C.C.No.10492/76 and 10494/76 passed by the second respondent in respect of the petitioner's land in Survey No.27, 28, 29, 39 and 47 of Roshandoula Village, Saroornagar Mandal, Ranga Reddy District, as confirmed by the first respondent in Proceedings N6.HYD/24/2007 dated 19.12.2007, including execution thereof.

I.A. NO: 1 OF 2017(WPMP. NO: 30642 OF 2017)

Between:

1. Kandadi Yadi Reddy, (Died per LR)
2. Smt.K.Chandra Kala W/o.Late K.Yadi Reddy, Aged about 65 years, Occ: Household,
3. K.Sanjeeva Reddy S/o.Late K.Yadi Reddy, Aged about 52 years, Occ:Business,
4. K.Brahmananda Reddy, S/o.Late K. Yadi Reddy, aged about 49 years, Occ: Agriculture,
5. K.Chandrasekhar Reddy, S/o.Late K. Yadi Reddy, Aged about 47 years, Occ: Agriculture,
6. K.Srinivas Reddy, S/o.Late K.Yadi Reddy, Aged about 46 years, Occ: Agriculture,
7. K.Dayand Reddy S/o.Late Yadi Reddy, aged about 44 years, Occ:Business,

All are R/o.Balapur Village, Saroornagar Mandal, Ranga Reddy District.

(Petitioners 2 to 7 are brought on record as LR's of deceased 1st Petitioner as per C.O.dt.29/4/15 in WPMP No.44138/14)

...PETITIONER

AND

1. The Director of Appeals, Office of the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.
2. The Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad.

...RESPONDENTS

3. The State of Telangana, Represented by its Principal Secretary, Revenue Department, Secretariat, Telangana State, Hyderabad.

...PROPOSED RESPONDENTS

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 implead the Third Respondent herein (State of Telangana) as Respondent in the above Writ Petition.

Counsel for the Petitioner : SRI M.V.DURGA PRASAD

Counsel for the Respondents: ASST. GP FOR ASSIGNMENT

The Court made the following: ORDER

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

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.7213 of 2008

Dated: 08.06.2026

Between

Kandadi Yadi Reddy (Died per LRs)

...PETITIONERS

And

The Director of Appeal,
Office of the Chief Commissioner of
Land Administration,
Hyderabad and others.

...RESPONDENTS

ORDER:

The writ petition is filed seeking a Writ of Certiorari calling for records from the respondent No.1 in Proceedings No.HYD/24/2007 and quash the order dated 19.12.2007 whereby order of the respondent No.2 in Proceedings No.D2/10492/76 and 10494/1976 dated 21.01.2007 has been confirmed in respect of the land of the petitioners in Sy.Nos.28, 29, 39 and 47 of Roshandoula Village, Saroornagar Mandal, Ranga Reddy District.

2. The brief facts of the case leading to filing of the writ petition are as under:

(a) The petitioner No.1 (deceased), his father Late Kandadi Venkataiah @ Venkat Reddy filed declarations in CC.Nos.D2/10492/76 and 10494/1976 under Section 6(1) of the

Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the ULC Act'). The father of the petitioner No.1 died on 23.07.1976. Draft statement under Section 8(1) along with notice under Section 8(3) of the ULC Act was issued to the petitioner on 29.01.1994. Later, as objections were not filed, final statement was issued under Section 8(4) of the ULC Act determining the declarants as surplus holders for an extent of 1,64,516.56 sq. meters and 1,44,282.26 sq. meters respectively. The petitioner No.1 filed an appeal in Proceedings No.HYD/24/2007 before the respondent No.1 under Section 33 of the ULC Act challenging Section 8(4) order by contending that the mandatory notice of 8(3) draft order under Section 8(1) of the ULC Act was not served on the petitioner No.1. Along with the appeal, the petitioner No.1 filed stay petition. It appears orders were not passed by the respondent No.1 in the stay petition.

(b) In the meanwhile, the petitioner No.1 came to know that the notification issued under Section 10(3) of the ULC Act was published by the respondent No.2. During the pendency of the appeal No.HYD/24/2007, the petitioner No.1 filed another appeal on 15.07.2006 challenging Section 10(3) notification. However, interim orders have not been passed by the respondent No.1. Ultimately, orders were passed by the respondent No.1 on 04.08.2006.

3. The case of the petitioners is that after three decades the respondent No.2 reopened proceedings in CC.No.D2/10494/76 pertaining to his father without bringing legal heirs on record and order under Section 8(4) of the ULC Act was passed on 2.01.2007 and without considering the grounds raised by the petitioner No.1 in the appeal, the impugned order dated 19.12.2007 was passed by the respondent No.1.

4. In the counter filed by the respondent No.2, it is contended that declarations were filed by the father of the petitioner, K. Venkat Reddy and the petitioner under Section 6(1) of the ULC Act in file No.D2/10492 and 10494/76. They were provisionally determined surplus to an extent of 64,749/76 sq. meters in Sy.Nos.27, 28, 29, 39 and 47 of Roshandoula Village (patta stand in the name of Kandadi Venkat Reddy) and an extent of 1,00,766.80 sq. meters in Sy.Nos.144/14 and 145/14, Balapur Village, Saroornagar Mandal, Ranga Reddy District, total land being 1,65,516.56 sq. meters. Out of which, an extent of 1000 sq. meters was allowed to be retained under Section 4(1)(b) of the ULC Act and an extent of 20.234.30 sq. meters was allowed under G.O.Ms.No.733 dated 31.10.1988 as the lands were situated in peripheral area. The remaining extent of 1,44,282.26 sq. meters was determined as surplus land against the declarants.

5. It is stated that the petitioner No.1, who is the successor of K. Venkat Reddy, filed a separate declaration stating that he is the legal heir, but he did not produce any evidence in respect of his claim that the lands are ancestral properties. As the petitioner No.1 did not have title to the lands mentioned in the declarations, the same were computed to the holding of K. Venkat Reddy. Accordingly, statement under Section 8(1) of the ULC Act along with notice under Section 8(3) of the ULC Act was issued on 29.01.2004, which were served on 14.07.2005 and declarants had not filed any objections to the notice and draft statement. Hence, final order under Section 8(4) of the ULC Act was passed on 18.03.2004 confirming the draft statement under Section 8(1) and notice under Section 8(3) of the ULC Act, by clubbing both declarations.

6. It is further stated that the orders passed by the respondent No.2 were challenged in Appeal No.HYD/48/2006 by the petitioner No.1 before the respondent No.1 under Section 33 of the ULC Act. The appellate authority remanded the matter on 29.08.2006 for fresh disposal. After re-verification of the entire matter, revised order under Section 8(4) of the ULC Act and final statement under Section 9 of the ULC Act was issued on 24.01.2007 declaring K. Venkat Reddy, died per LRs, as surplus holder to an extent of 1,12,311.95 sq. meters. The petitioner No.1 filed an appeal under

Section 33 of the ULC Act against the revised 8(4) order and final statement under Section 9 of the ULC Act dated 24.01.2007 before the appellate authority and the appeal was dismissed on 19.12.2007. Subsequently, declaration Section 10(3) was issued on 28.01.2008 and published in A.P. Gazette No.32 dated 01.02.2008. Notice under Section 10(5) of the ULC Act was issued on 08.02.2008 to surrender the excess land determined as surplus within thirty days. As the declarants did not surrender the land, the proceedings under Section 10(6) of the ULC Act was issued on 11.03.2008 and possession was taken over by the Enquiry Officer on 12.03.2008 under the cover of panchanama.

7. In the counter affidavit filed by the respondent No.2, at paras No.4 and 5, it is stated that the appeal was filed by the petitioner under Section 33 of the Act challenging Section 8(4) order and final statement under Section 9 of the Act dated 24.01.2007. The appeal was dismissed on 19.12.2007. Thereafter, declaration under Section 10(3) of the Act was issued on 28.01.2008 and notice under Section 10(5) of the Act was issued on 08.02.2008 to surrender excess land determined as surplus within thirty (30) days. As the declarant did not surrender the land within the stipulated time, proceedings under Section 10(6) of the Act was issued on 11.03.2008 and possession was taken over by the Enquiry Officer on 12.03.2008 under the cover of panchanama.

8. As per direction of this Court by order dated 03.02.2026, the learned Assistant Government Pleader for Assignment produced the original record. On verifying the records, it is noticed that original Section 10(5) of the Act was signed by the respondent No.2 on 08.02.2008 [which has two page numbers viz. Page No.342 (Blue Ink) and 462 (Red Ink)]. There is no endorsement of service of notice on the original Section 10(5) notice. On the Photostat copy of Section 10(5) notice [page 383 (Blue Ink) and Page 396 (Red Ink)], there is an endorsement "*Since the declarant shifted to the House and whereabouts not known, the 10(5) order has been affixed on the Gram Panchayat, Balapur (v) Saroornagar (M) RR Dist before the following persons.*" Signed by 1) Bheem Rao and 2) Saidaiah and "Attested" on 12.02.2008 by EO" in the photostat copies, which is found missing in the original Section 10(5) notice. The Section 10(6) order, at Page No.346 of the original record, says thirty (30) days time given in the notice under Section 10(5) of the Act expired on 08.03.2008. Thus, as seen from the endorsement in the notice under Section 10(5), if thirty (30) days time is to be calculated from the date of affixture in the Gram Panchayat i.e. 12.02.2008, the thirty (30) days time would expire on 13/14.03.2008 and not on 08.03.2008.

9. Rule 5(2) of the Urban Land (Ceiling and Regulation) Rules, 1976, deals with the procedure for service of notice on the declarant, which is extracted below:

5. Particulars to be contained in draft statement as regards vacant lands and manner of service of the same. –

(1) Every draft statement prepared under sub-section (1) of Section 8 shall contain the particulars specified in Form III.

(2) (a) The draft statement shall be served, together with the notice referred to in sub-section (3) of Section 3, on-

- (i) the holder of the vacant lands, and
- (ii) all other persons, so far as maybe known, who have, or are likely to have, any claim to, or interest in the ownership or possession or both, of the vacant lands-

by sending the same by registered post addressed to the person concerned---

(i) in the case of the holder of the vacant lands, to his address as given in the statement filed in pursuance of sub-section (1) of Section 6, and

(ii) in the case of other persons at their last known addresses.

(b) Where the draft statement and the notice are returned as refused by the addressee, the same shall be deemed to have been duly served on such person.

(c) Where the efforts to serve the draft statement and the notice, on the holder of the vacant lands or, as the case may be, any other person referred to in clause (a), in the manner specified in that clause is not successful for reasons other than the reason referred to in clause (b), the draft statement and notice shall be served by affixing copies of the same in a conspicuous place in the office of the

competent authority and also upon some conspicuous part of the house (if any) in which the holder of the vacant lands or as the case may be, the other person is known to have last resided or carried on business or personally worked for gain.

10. However, for service of notice under Section 10(5) of the Act on the person in possession of the property no specific mode of service is prescribed. Sections 10(5) and 10(6) of the Act, which are relevant, are extracted below:

"10. Acquisition of vacant land in excess of ceiling limit –

...

(5) Where any vacant land is vested in the State Government under sub-section (3), the competent authority may, by notice in writing, order any person who may be in possession of it to surrender or deliver possession thereof to the State Government or to any person duly authorized by the State Government in this behalf within thirty days of the service of the notice.

(6) If any person refuses or fails to comply with an order made under sub-section (5), the competent authority may take possession of the vacant land or cause it to be given to the concerned State Government in this behalf and may for that purpose use such force as may be necessary."

11. The counter of the respondent No.2 does not clearly state about service of notice under Section 10(5) of the Act to the declarant or the legal heirs (petitioners herein) in person and it is stated that Section 10(5) notice was issued on 02.08.2008.

How service of notice was effected is not clearly stated in the counter. As discussed in Para 8, there is an endorsement that Section 10(5) notice has been affixed in the Gram Panchayat, Balapur Village, Saroornagar Mandal, Ranga Reddy District, since the declarant shifted his house and whereabouts are not known.

11. In a recent judgment in Civil Appeal No.6130 of 2016 (*Dalsukhbhai Bachubhai Satasia v. State of Gujarat*) dated 06.01.2026, the Supreme Court, having considered the provisions of the ULC Act, particularly Section 10 and the earlier judgments in **STATE OF U.P. v. HARI RAM** (supra 2); **State of Assam v. Bhaskar Jyoti Sarma** [(2015) 5 SCC 321] and **AP Electrical Equipment Corporation v. Tahsildar** [2025 SCC OnLine SC 447], held at para 22.8 as follows:

"**22.8** Similarly, we are unable to agree with the contention of the respondents that the appellants cannot claim a right to receive notice under Section 10(5) of the ULC Act. The propriety of the sale deed executed in favour of the appellants is immaterial. Section 10(5) mandates the deliver of notice to the person(s) in possession of the concerned lands. On the date of issuance of notice (22.11.1990), the appellants as possessors did not receive the same. It was sent to the erstwhile owner of the subject land. This also implies that the respondents also were aware of the fact that actual possession was not with them and there was a need to issue notice under Section 10(5) of the ULC Act before taking over actual possession. However, the respondents did not ascertain as to in whose name actual

possession stood. Therefore, no notice was issued to the appellants and hence there being no transfer of possession in accordance with Section 10 of the ULC Act, it continues with the appellants both in fact as well as in law. Hence, they are entitled to the benefit of Section 4 of the Repealing Act as they do not fall within the scope of Section 3 of the said Act, which is the savings clause. The omission to issue notice to the appellants violated the mandatory requirement of serving notice under Section 10(5) and meant that the legal process of acquiring possession was still ongoing, leading to abatement of proceedings under Section 5 of the Repealing act on its enforcement."

12. Learned Government Pleader for Assignment has not been able to convince this Court that the service by affixture of notice under Section 10(5) in the office of the Gram Panchayat is a proper mode of service. No specific rule or judicial precedent is cited to substantiate that service of notice by affixture in gram panchayat is a valid service. In the opinion of this Court, the respondent No.2/authorized officer ought to have conducted local enquiry and ensured proper service of notice on the declarant/LRs at their residential address on new address if they have shifted.

13. It is necessary to note that the endorsement "...*The 10(5) order has been affixed on the office of Gram Panchayat...*" is not found in the original Section 10(5) notice but only available in the photostat copies, which further throws suspicion on the veracity of such photostat copy referred to above.

14. In the light of the above observations, this Court is of the opinion that there is no service of notice under Section 10(5) of the Act and there is violation of mandatory procedure under Sections 10(5) and 10(6) of the Act. The Urban Land (Ceiling and Regulation) Repeal Act, 1999, came into force in the State of Andhra Pradesh with effect from 27.03.2008 and by virtue of Section 4 of the Repeal Act, if possession of the land is not taken, then the ULC proceedings stand abated. In the instant case, possession was not taken in accordance with the mandatory procedure under Sections 10(5) and 10(6) of the Act. Thus, the ULC proceedings No.HYD/24/2007 dated 19.12.2007 and the order of the respondent No.2 in Proceedings No.D2/10492/76 and 10494/1976 dated 21.01.2007, as against the petitioner, stood abated.

15. In the reply filed by the petitioners it is also their case that the subject lands in Roshandoula village, Saroornagar Mandal, Ranga Reddy District, were not originally included in the Master Plan of Hyderabad, as it existed on 17.02.1976 when the ULC Act came into force. The lands came to be included in the extended Master Plan under G.O.Ms.No.391 dated 23.06.1980. Thus, the computation of the holding of the declarant/family members with 17.02.1976 as the appointed day, as done in the instant,

is contrary to the law laid down by this Court in **STATE OF A.P. v. S.B. KOMARAI AH**¹.

16. This Court in **S.B. KOMARAI AH**'s case (1 supra) held that for the lands covered by extended Master Plan as per G.O.Ms.No.391 dated 23.06.1980, which was published in the Gazette on 29.09.1980, the appointed day is 29.09.1980 when the GO came into force. But in the instant case, the declaration of Smt. Geetha Bai in the year 1976 was considered by taking 17.02.1976 as appointed date when, admittedly, the lands were not covered in the then existing Master Plan of Hyderabad. The relevant portion of **S.B. KOMARAI AH**'s case (1 supra) is as under:

"40. Therefore, the only conclusion that can be arrived is that as and when any land, which was not vacant at the time of commencement of the Act, becomes vacant on a subsequent date, the holdings of the persons have to be decided with reference to the subsequent date on which the land becomes vacant. Any adjudication in respect of such lands with reference to the date of commencement of the Act cannot be sustained. Admittedly, in the present case, the land in question came to be treated as vacant land with effect from 29-9-1980 on which date the new master plan was published. It is not in dispute that the holdings of the respondents were decided with reference to 17-2-1976 i.e., the date of commencement of the Act. Therefore, the order passed by the 2nd respondent under Section 8(4) of the Act dated 7-4-1990 as well as the order passed by the appellate authority on 22-1-1991 are set aside."

¹ (2002) 2 ALD 253

17. It is not in dispute that in the instant case the holding of the petitioners was computed with reference to 17.02.1976 and the same is not permissible in view of the aforesaid decision in **S.B. KOMARAI AH's** case (1 supra). The inclusion of the subject lands in the Master Plan under G.O.Ms.No.391 with effect from 29.09.1980 is not disputed by the learned Government Pleader.

In the result, the writ petition is allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

That Rule Nisi has been made absolute as above.
Witness THE HON'BLE THE CHIEF JUSTICE APARESH KUMAR SINGH, on this
MONDAY, THE EIGHTH DAY OF JUNE TWO THOUSAND AND TWENTY SIX

SD/-S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

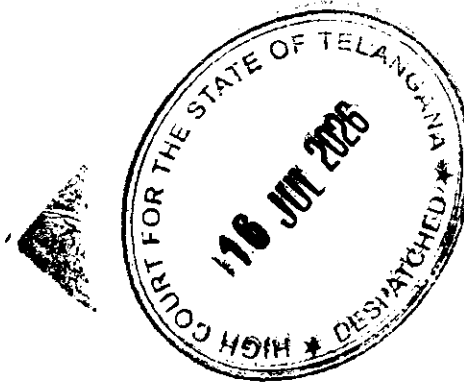
1. The Director of Appeals, Office of the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.
2. The Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad.
3. One CC to SRI M.V.DURGA PRASAD, Advocate. [OPUC]
4. Two CCs to GP FOR ASSIGNMENT, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies.

BSK

HIGH COURT

DATED: 08/06/2026

CC TODAY



ORDER

WP.No.7213 of 2008

**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

9
16/07/26
R.K.