

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

TUESDAY, THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

: PRESENT:

THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 21401 OF 2022

AND

WRIT PETITION NO. 14444 OF 2023

WP. No. 21401 OF 2022

Between:

Polamoni Ailaiah, S/o Late Jangaiah

Petitioner

AND

1. The State of Telangana, Represented by its Secretary, Revenue Department, Revenue (Stamps and Registrations) Secretariat, Hyderabad.
2. The Inspector General of Stamps and Registration, Nampally, Mozam-jahi Market, Hyderabad
3. The District Registrar, Ranga Reddy District.
4. The Sub-Registrar, Champapet, Ranga Reddy District
5. The Tahsildar and Joint Sub Registrar, Balapur, Ranga Reddy District

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 writs or order/s more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in entertaining registrations in respect of tenancy land admeasuring Ac. 348.35 Gts in Sy. Nos. 144 and 145 of Balapur village as being illegal, arbitrary and violative of Article 21 and 300-A of Constitution of India and consequently direct the Respondents not to entertain the registrations in respect of land admeasuring Ac. 348.35 Gts in Sy Nos. 144 and 145 in Balapur village in view of the prohibition contained in Section 22 (A) of the Registration Act and in view of the pending cases in the High Court for the State of Telangana;

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 issue interim directions to the respondents not to entertain the registrations in respect of land admeasuring Ac. 348.35 Gts in Sy Nos. 144 and 145 in Balapur village, pending disposal of WP 21401 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Smt B Kavita Yadav Advocate for the Petitioner and GP for Revenue for the respondents

WP. No. 14444 of 2023

Between:

P.Ailaiah, S/o. Late Jangaiah

Petitioner

AND

1. The State of Telangana, Represented by its Principal Secretary Department of Revenue Department Secretariat, Hyderabad.
2. The Inspector General of Stamps and registrations, Nampally, Mozam-jahi-Market, Hyderabad.
3. The District Registrar, Ranga Reddy District.
4. The Office of Sub-Registrar, Champapet, Saroornagar Mandal, Ranga Reddy District Rep. by its Sub-Registrar.
5. Hyderabad Metropolitan Development Authority, Rep. by its Commissioner Hyderabad.
6. The Commissioner, Jalpally Municipality Ranga Reddy District.
7. The Collector, Ranga Reddy District.
8. The Mandal Revenue Officer, Balapur Ranga Reddy District.
9. V.Narsimha Reddy, S/o. Late Linga Reddy, Occ. Business, R/o.H.No.3-2-870/3, VNR Complex, Station Road Kachiguda, Hyderabad.
10. Syed Mujeeb Uddin S/o Late Syed Habeeb Uddin, Occ: Business, R/o H. No. 18-8-576, Edi Bazar, Hyderabad, Telangana
11. Mohd. Mohiuddin S/o Mohd Jameel Uddin, Occ: Business, R/o H. No. 17-1-182/M/81, Darab Jung Colony, Santhosh Nagar, Hyderabad, Telangana
12. Younus Khan S/o Ghouse Khan, Occ: Business, R/o H. No. 18-8-244/C/43, Moin Bagh, Fateh Shah Nagar, Hyderabad, Telangana
13. Syed Habeeb S/o Syed Madhar, Occ: Business, R/o H. No. 18-8-451/B/7, Ali Nagar, Kumarwadi, Edi Bazar, Hyderabad, Telangana
14. M/s AQ Sqrare Relators Pvt. Ltd., Having its office at H.No.17-1- 30/3/B/8/1, Ramchandra Nagar, Edi Bazar, Hyderabad. Rep. by its Authorised Representative Mohd. Azhar S/o Mohd. Ghouse, R/o H.No. 18-8-225/7/36, Habeeb Nagar, Riyasat Nagar, Saidabad, Hyderabad, Telangana
(Respondents No.10 to 14 are impleaded as per C.O.dt.04.07.2023 in I.A. No. 2 and 4 of 2023 respectively)

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 writ of mandamus challenging the inaction of the official respondents in not stopping the Respondent No.9 from the selling away the property on the name of "VNR Aerocity" under the guise of draft layout permit No.000091/LO/PLG/HMDA/2020 dated 25/08/2020 is contrary to the proceedings vide Lr.No.H4/2796/2021 dated 05/03/2022 passed by Respondent No.7 and consequently stop all the registrations till the entire issue of tenancy over Sy.No.144 and 145 of Balapur village and Mandal, Ranga Reddy district is finalized by the respective courts;

IA NO: 1 OF 2023

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 consider Petitioner representation dated 02.05.2023 and stop the process of registrations of the plots in "VNR Aerocity" in Sy.No.144 and 145 of Balapur village and Mandal, Ranga Reddy District under

the guise of the draft layout Permit No.000091/LO/PLG/HMDA/2020 dated 25/08/2020 by the official respondents, pending disposal of WP 14444 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 13.06.2023, 04.07.2023 & 21.07.2023 made herein and upon hearing the arguments of Smt B Kavita Yadav Advocate for the Petitioner, GP for Revenue for the respondent No. 1 to 4, 7 & 8, Smt D. Madhavi Advocate for the respondent No. 5, Sri N. Vasudeva Reddy, learned Senior Counsel representing Sri N. Praveen Reddy, Advocate for the respondent No. 9, Sri D. Prakash Reddy, learned Senior Counsel representing Sri Katika Ravinder Reddy, Advocate for the respondent No. 10 to 13 and Sri Abbugari Maheswari, Advocate for the respondent No. 14, the Court made the following.

ORDER:

W.P.No.21401 of 2022 is filed seeking the following relief:

“...to issue a writ or order more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in entertaining registrations in respect of tenancy land admeasuring Acs.348.35 Guntas in Survey Nos.144 and 145 situated at Balapur village, as being illegal arbitrary and violative of Article 21 and 300A of Constitution of India and consequently direct the respondents not to entertain the registrations in respect of the land admeasuring Acs348.35 Guntas in Survey Nos.144 and 145 situated at Balapur village, in view of the prohibition contained in Section 22(A) of the Registration Act and in view of the pending cases in the High Court for the State of Telangana and be pleased to pass....”

I.A.No.1 of 2022 in W.P.No.21401 of 2022 was filed seeking following relief:

“To issue interim directions to the respondents not to entertain the registrations in respect of the land admeasuring Acs.348.35 Guntas in Survey Nos.144 and 145 situated Balapur Village.”

I.A.No.1 of 2022 was dismissed on merits by order dated 26.09.2022.

W.P.No.14444 of 2023 is filed challenging the inaction of the official respondents in stopping respondent No.9 from the selling the property under the name of VNR Aerocity under the guise of draft layout permit No.000091/LO/PLG/HMDA/2020 dated 25.08.2020, which is contrary to the proceedings vide Lr.No.H4/2796/2021 dated 05.03.2022 passed by

respondent No.7 and consequently stop all the registrations till the entire issue of tenancy over Survey Nos.144 and 145 situated Balapur Village and Mandal, Ranga Reddy District, is finalized by the respective Courts.

The petitioner in W.P.No.21401 of 2022 and W.P.No.14444 of 2023 is the same person.

This Court passed interim order dated 13.06.2023 in WP.No.14444 of 2023 directing the registration authority not to proceed with any registration of document in respect of the subject land under the name of VNR Aerocity, till 04.09.2023. The interim order was extended from time to time. Vacate Petitions in I.A.Nos.3, 5 and 7 of 2023 respectively were filed by learned counsel Mr. D. Raghavender Rao, N. Praveen Reddy and Mr. Abbugari Naheshwari.

Mr. N. Vasudeva Reddy, learned Senior Counsel appearing for Mr. N. Praveen Reddy, learned counsel for respondent No.9 and Mr. D. Prakash Reddy, learned Senior Counsel appearing for Mr. Katika Ravinder Reddy, learned counsel for the respondents No.10 to 12, submitted that the order dated 26.09.2022 in I.A.No.1 of 2022 in W.P.No.21401 of 2022 was not brought to the notice of learned Single Judge when interim order dated 13.06.2023 was passed in W.P.No.14444 of 2023. It is submitted that essentially the relief sought in both the writ petitions is one and the same. The learned Single Judge passed order dated 26.09.2022 in I.A.No.1 of 2022 in W.P.No.21401 of 2022, on merits, by considering the case of the petitioner and also taking note of pendency of several writ petitions and several CRP's arising out of tenancy proceedings in Case No.F2/5402/2013 dated 31.08.2018.

Learned counsel for the petitioner in W.P.No.14444 of 2023, Ms. B. Kavitha Yadav fairly stated that when the order dated 13.06.2023 was passed, the order of dismissal dated 26.09.2022 in I.A.No.1 of 2022 in

W.P.No.21401 of 2022 was not brought to the notice of the learned Single Judge. It is stated that the learned counsel did not have the knowledge of the said order till 21.12.2023.

When the matter was heard by this Court on 21.12.2023, it was informed to this Court by Ms. B. Kavitha Yadav that steps are being taken to challenge the order dated 26.09.2022, by filing Writ Appeal.

Today, Mr. N. Praveen Reddy, learned counsel, produced copy of the order dated 24.01.2024 in W.A.No.52 of 2024, filed challenging the order dated 26.09.2022 in WP.No.21401 of 2022, wherein the learned Division Bench dismissed the appeal as withdrawn, however giving liberty to the petitioner to file appropriate applications before the learned Single Judge.

It is informed by Ms. B. Kavita Yadav, learned counsel for the petitioner in WP.No.14444 of 2023, that Review I.A.No.SR.No.7589 of 2024 in W.P.No.21401 of 2022 has been filed to review the order dated the order dated 26.09.2022 in I.A.No.1 of 2022 in W.P.No.21401 of 2022.

In the above facts and circumstances of the case, taking into consideration the fact that order dated 26.09.2022 in I.A.No.1 of 2022 in W.P.No.21401 of 2022 was not brought to the notice of learned Single Judge when the order dated 13.06.2023 in W.P.No.14444 of 2023 was passed and more over, the substratum of the grievance of the common petitioner in both the writ petitions is essentially the same, the interim order dated 13.06.2023 in WP.No.14444 of 2023 is liable to be recalled.

Hence, the interim order, granted on 13.06.2023 in WP.No.14444 of 2023 and extended from time to time, is recalled.

It is made clear that this order is passed only for the reasons aforesaid and not on merits. I.A.No.1 of 2023 in WP.No.14444 of 2023 filed

by the petitioner will be heard on merits along with Review
I.A.No.SR.No.7589 of 2024 in W.P.No.21401 of 2022.

Any alienations made shall be subject to further orders of this Court.

Post on 08.02.2024 along with W.P.No.4213 of 2019 and batch.

//TRUE COPY//

SD/-MD.ISMAIL
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Secretary, Revenue Department, Revenue (Stamps and Registrations), State of Telangana Secretariat, Hyderabad.
2. The Inspector General of Stamps and Registration, Nampally, Mozam-jahi Market, Hyderabad
3. The District Registrar, Ranga Reddy District.
4. The Sub-Registrar, Champapet, Ranga Reddy District
5. The Tahsildar and Joint Sub Registrar, Balapur, Ranga Reddy District
6. The Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad.
7. The Commissioner, Jalpally Municipality Ranga Reddy District.
8. The Collector, Ranga Reddy District.
9. The Mandal Revenue Officer, Balapur Ranga Reddy District.
10. V.Narsimha Reddy, S/o. Late Linga Reddy, Occ. Business, R/o.H.No.3-2-870/3, VNR Complex, Station Road Kachiguda, Hyderabad.
11. Syed Mujeeb Uddin S/o Late Syed Habeeb Uddin, Occ: Business, R/o H. No. 18-8-576, Edi Bazar, Hyderabad, Telangana
12. Mohd. Mohiuddin S/o Mohd Jameel Uddin, Occ: Business, R/o H. No. 17-1-182/M/81, Darab Jung Colony, Santhosh Nagar, Hyderabad, Telangana
13. Younus Khan S/o Ghouse Khan, Occ: Business, R/o H. No. 18-8-244/C/43, Moin Bagh, Fateh Shah Nagar, Hyderabad, Telangana
14. Syed Habeeb S/o Syed Madhar, Occ: Business, R/o H. No. 18-8-451/B/7, Ali Nagar, Kumarwadi, Edi Bazar, Hyderabad, Telangana
15. M/s AQ Sqrare Relators Pvt. Ltd., Having its office at H.No.17-1- 30/3/B/8/1, Ramchandra Nagar, Edi Bazar, Hyderabad. Rep. by its Authorised Representative Mohd. Azhar S/o Mohd. Ghouse, R/o H.No. 18-8-225/7/36, Habeeb Nagar, Riyasat Nagar, Saidabad, Hyderabad, Telangana
(Addressees 1 to 15 by RPAD)
16. One CC to Smt. B Kavita Yadav Advocate [OPUC]
17. One CC to Sri N. Praveen Reddy, Advocate (OPUC)
18. One CC to Sri Katika Ravinder Reddy, Advocate (OPUC)
19. One CC to SmtAbbugari Maheshwari, Advocate (OPUC)
20. Two CC to GP for Revenue, High Court at Hyderabad (OUT)
21. One spare copy

HIGH COURT

BVRJ

DATED:30/01/2024

**NOTE: POST ON 08.02.2024 ALONG
WITH WP. NO. 4213 OF 2019 BATCH**

ORDER

**WRIT PETITION NO: 21401 OF 2022
AND
WRIT PETITION NO. 14444 OF 2023**

DIRECTION

