

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

FRIDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

**:PRESENT:
THE HONOURABLE SRI JUSTICE SUJOY PAUL
CIVIL REVISION PETITION NO: 1964 OF 2024**

Between:

1. Altaf Ur Rahman, S/o. Late Asrar-ul-Hafeez.
2. Ateeq-ur-Rahman, S/o. Late Asrar-ul-Hafeez.
3. Noor Ul Rehman, S/o. Late Asrar-ul- Hafeez.
4. Habeebunnisa Begum, D/o. Late Asrar-ul-Hafeez, W/o. Mohammed Omeruddin Khan.
5. Azmathunnisa Begum, D/o. Late Asrar-ul- Hafeez, W/o. Shaik Meraj Ahmed.
6. Fazeelath Asfia, D/o. Late Asrar-ul- Hafeez, W/o. Shaik Qaiser, R/o. Riyadh, KSA, Represented by her GPA Altaf-ur-Rahman, S/o. Late Asrar-ul- Hafeez (Petitioner.No.1 herein)

Petitioners/Petitioners

AND

1. The Special Deputy Collector & Land Acquisition Officer, Metro Rail Ltd, Hyderabad, T.S.
2. The Managing Director Metro Rail Ltd, Hyderabad Rasoolpura, Begumpet, Hyderabad, T.S.

Referral Authority/Respondents

3. Lakhamshi Patel, S/o. Late Dhanji Patel, R/o. H.No.7-1-619/A/43, Plot No.41, Gayatrinagar, Ameerpet, Hyderabad,T.S.
4. Ratanshi Patel (since DIED)
5. Purushottam Patel, S/o. Late Dhanji Patel, R/o.7-1-619/A/43, Plot No.41, Gayatrinagar, Ameerpet, Hyderabad, T.S.
6. Smt. Kasturi ben, W/o. Karsan Patel, R/o.7-1-619/A/43, Plot No.41, Gayatrinagar, Ameerpet, Hyderabad, T.S.
7. Smt. Shilpa Patel, W/o. Ritesh Patel, R/o.7-1-619/A/43, Plot No.41, Gayatrinagar, Ameerpet, Hyderabad, T.S.
8. Moliammed Kazam Ali Khan (Since DIED)
9. Mrs. Azizunnisa Begum, Daughter-in-law of Mahaboobunnisa Begum, Occ: Household, R/o.8-3-322/4, Yellareddyguda, Ameerpet, Hyderabad, T.S.
10. Smt. Shahnaz Mahjabeen, W/o. Late Siddiqui Ali Khan, Occ: Household, R/o.8-3-318/6/1385/102, Jayaprakashnagar, Yellareddyguda, Hyderabad, T.S.
11. Md. Razak Ali Khan, S/o. Late Siddiqui Ali Khan, R/o.8-3-318/6/1385/102, Jayaprakashnagar, Yellareddyguda, Hyderabad, T.S.
12. Md Barkat Ali Khan, S/o. Late Mohd Jaffer Ali Khan, Occ: Chief Engineer, R & B Buildings, R/o.10-3-808, (245/2RT) Vijay Nagar Colony, Hyderabad, T.S.
13. Noorunnisa Begum, D/o. Late Mohd jaffer Ali Khan, W/o. Mohammed Mustafa Ali, R/o. H.No.10-5-120, First Lancer, Ahmednagar, Hyderabad 500028, T.S.

14. Sadatunissa Begum, W/o. late lateef Ahmed Quershi, H.No.12-2-826/2, Flat no.402, Royal Residency, beside, Amba Theatre, Mehdiapatnam, Hyderabad, T.S..
(Respondent No. 9 to 14 are not necessary parties to the present Revision)

Respondents/Respondents

WHEREAS the Petitioners above named through their Advocate M/s. K. JAMALI presented this Petition Under Section 115 of C.P.C, praying that in the circumstances stated in the grounds filed herein, seeking to Allow the Revision by setting aside the Impugned Order dated 5.3.2024 passed in I.A.No.166/2021 in L.A.O.P.No.76 of 2020 by the Land Acquisition, Rehabilitation and Resettlement Authority For the State of Telangana at Hyderabad;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri K.K. Waghray, learned counsel representing Sri K. Jamali, learned counsel for the petitioners, directed issue notice to the Respondents, herein to show cause as to why this CIVIL REVISION PETITION should not be admitted.

You viz:

1. The Special Deputy Collector & Land Acquisition Officer, Metro Rail Ltd, Hyderabad, T.S.
2. The Managing Director Metro Rail Ltd, Hyderabad Rasoolpura, Begumpet, Hyderabad, T.S.
3. Lakhamshi Patel, S/o. Late Dhanji Patel, R/o. H.No.7-1-619/A/43, Plot No.41, Gayatrinagar, Ameerpet, Hyderabad, T.S.
4. Purushottam Patel, S/o. Late Dhanji Patel, R/o.7-1-619/A/43, Plot No.41, Gayatrinagar, Ameerpet, Hyderabad, T.S.
5. Smt. Kasturi ben, W/o. Karsan Patel, R/o.7-1-619/A/43, Plot No.41, Gayatrinagar, Ameerpet, Hyderabad, T.S.
6. Smt. Shilpa Patel, W/o. Ritesh Patel, R/o.7-1-619/A/43, Plot No.41, Gayatrinagar, Ameerpet, Hyderabad, T.S.

are directed to show cause on or before 09.08.2024 to which date the case stands posted as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CIVIL REVISION PETITION should not be admitted.

IA NO: 1 OF 2024

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 pass Orders granting Stay of all further Proceedings in L.A.O.P. No.76 of 2620 pending before the Land Acquisition Rehabilitation and Resettlement Authority For the State of Telangana at Hyderabad, pending disposal of CRP No.1964 of 2024, on the file of the High Court.

The Court made the following;

ORDER:

Sri K.K.Waghray, learned counsel representing Sri K.Jamali, learned counsel for the petitioners.

Issue notice to the respondents by making it returnable within a period of two weeks.

Learned counsel for the petitioners undertakes to serve the respondent(s) through their counsel before the Court below. In that event, proof of service be filed.

List on 09.08.2024.

Learned counsel for the petitioner submits that the petitioner's application preferred under Order 1 Rule 10 of CPC was rejected by the Court below despite holding in Point No.6.07 that such an application is indeed maintainable. It was rejected without considering the fact that the opposite party while filing W.A.No.1482 of 2018 has impleaded the present petitioners as party respondents and said order was placed on record along with the application preferred under Order 1 Rule 10 of CPC.

Since the respondents themselves impleaded the present petitioners as party respondents in W.A.No.1482 of 2018, the Court below was not justified in not accepting the application preferred under Order 1 Rule 10 of CPC, more so, when there is no iota of discussion in the impugned order in relation to W.A.No.1482 of 2018 wherein the present petitioners were admittedly parties.

Considering the aforesaid and subject to hearing the other side, till next date of hearing, further proceedings in L.A.O.P.No.76 of 2020 on the file of Land Acquisition, Rehabilitation and Resettlement Authority, Hyderabad, shall remain stayed.

Sd/-MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Land Acquisition Rehabilitation and Resettlement Authority For the State of Telangana at Hyderabad.
2. The Special Deputy Collector & Land Acquisition Officer, Metro Rail Ltd, Hyderabad, T.S.
3. The Managing Director Metro Rail Ltd, Hyderabad Rasoolpura, Begumpet, Hyderabad, T.S.
4. Lakhamshi Patel, S/o. Late Dhanji Patel, R/o. H.No.7-1-619/A/43, Plot No.41, Gayatrinagar, Ameerpet, Hyderabad, T.S.

5. Purushottam Patel, S/o. Late Dhanji Patel, R/o.7-1-619/A/43, Plot No.41, Gayatrinagar, Ameerpet, Hyderabad, T.S.
6. Smt. Kasturi ben, W/o. Karsan Patel, R/o.7-1-619/A/43, Plot No.41, Gayatrinagar, Ameerpet, Hyderabad, T.S.
7. Smt. Shilpa Patel, W/o. Ritesh Patel, R/o.7-1-619/A/43, Plot No.41, Gayatrinagar, Ameerpet, Hyderabad, T.S **(RR 2 to 7 by RPAD- along with a copy of petition and memorandum of grounds)**
12. One CC to M/s. K. JAMALI, Advocate [OPUC]
13. One spare copy

HIGH COURT

SP,J

DATED:26/07/2024

LIST ON 09.08.2024

NOTICE BEFORE ADMISSION

CRP.No.1964 of 2024

INTERIM STAY



30/7