

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

THURSDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 17509 OF 2023**

Between:

YRCR Infrastructure Limited, Rep. by Yeturu Ramachandra Reddy Occ .Business, R/o.
H.No. 6-3-248/3/1/A, Venkataramana Colony, Khairatabad, Hyderabad - 500 004.

Petitioner

AND

1. Union of India, Ministry of Home Affairs, New Delhi, rep. by its Secretary.
2. The Custodian of Enemy Property of India, 1st Floor, East Wing, Shivaji Stadium, (Annexe Building), Connaught Place, New Delhi-110001.
3. The Assistant Custodian of Enemy Property for India, Kaisar Bld-1, Hind Building, Currimbhoy Road, Ballard Estate, Mumbai-38.
4. State of Telangana, Revenue Department, Secretariat Buildings, Hyderabad, Rep, by its Principal Secretary.
5. The District Collector, Ranga Reddy district, at Kongara Kalan, Ranga Reddy district-501510

Respondents

WHEREAS the Petitioner above named through its Advocate Sri A Narasimha Rao presented this 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 order, writ or direction more particularly one in the nature of writ of mandamus

(a) declaring that the following properties purchased by the Petitioner Company

1. Sy.No. 47 extent Ac. 09-32 vide Sale Deed bearing No. 1782/2000, dated 15-07-2000 having purchased the same from D. Harinath Reddy and legal heirs of M.V. Subba Rao
2. Sy.No. 48 extent Ac. 12-01 vide Sale Deed bearing No. 1791/2000, dated 17-07-2000 having purchased the same from D. Harinath Reddy and legal heirs of M.V. Subba Rao.
3. Sy.No. 49 extent Ac. 05-08 vide Sale Deed bearing No. 1811/2000 dated 18-07-2000 having purchased the same from D. Harinath Reddy and legal heirs of M.V. Subba Rao.
4. Sy.No. 50 extent Ac. 12-00 vide Sale Deed bearing No. 1810/2000 dated 18-07-2000 having purchased the same from Mirza Mohammed Ali Baig @ Abid and legal heirs of M.V. Subba Rao.

6. Sy.No. 52 extent Ac. 07-14 vide Sale Deed bearing No. 1898/2000 dated 25-07-2000 having purchased the same from M. Nusrath Ali Khan and legal heirs of M.V. Subba Rao.
7. Sy.No. 53/P extent Ac. 07-14 vide Sale Deed bearing No. 2423/2000 dated 25-08-2000 having purchased the same from M. Nusrath Ali Khan and legal heirs of M.V. Subba Rao.
8. Sy.No. 104 extent Ac. 11-03 vide Sale Deed bearing No 1809/2000 dated-15- 07-2000 having purchased the same from Chandu and legal heirs of M.V. Subba. Rao.
9. Sy.No. 109 extent Ac. 11-32 vide Sale Deed bearing No. 2422/2000 dated 25-08-2000 having purchased the same from P. Srinivas Reddy and legal heirs of M.V. Subba Rao. who got the property by way of purchase in a Court auction in E.P.No.3 of 1963 in Original Suit No.182 of 1952 on the file of the II Additional District Judge, Shalibanda and vide sale certificate issued by the civil Court in his favour dated 10.02.1965, and he had been put in possession as per the Court Order, does not fall under the purview of the provisions of the Enemy Property Act, 1968, including Government of India's Notification No.12/2/65-EPTY, dated 10.09.1965 under the Defence of India Rules, 1962, alternatively

- b. direct the respondents to conduct an enquiry under Section 6 of the Enemy Property Act, 1968 on the petition dated 21.01.2021 made, and notice dated 28.01.2021, 29.07.2021 and 15.03.2023 got issued, by the petitioner company with regard to land bearing Sy.Nos. 47, 48, 49, 50, 50P, 52, 53, 104 and 109 situated at Kothwalguda Village, Shamshabad Mandal, Ranga Reddy District, the total extent Ac.84-18gts., purchased by the petitioner company for a valuable consideration, being the bona fide purchaser, from the respective Vendors and legal heirs of M.V. Subba Rao, who got the property by way of purchase in a Court auction in E.P.No.3 of 1963 in Original Suit No.182 of 1952 on the file of the II Additional District Judge, Shalibanda and vide sale certificate issued by the civil Court in his favour dated 10.02.1965 and put in possession dated 15.03.1966 by Bailiff under panchnama as per orders in E.A.No. 10 of 1966 as per the provisions of the Enemy Property Act, 1968, including Government of India's Notification No.12/2/65-EPTY, dated 10.09.1965 under the Defence of India Rules, 1962, within a reasonable time to be fixed by this Hon'ble Court, in the interest of justice;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri A NARASIMHA RAO Advocate for the Petitioner and Sri Gadi Praveen Kumar Learned Deputy Solicitor General of India takes notice for respondent Nos.1 to 3 and Learned Assistant Government Pleader for Revenue takes notice for respondent Nos.4 and 5, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Secretary, Union of India, Ministry of Home Affairs, New Delhi.
2. The Custodian of Enemy Property of India, 1st Floor, East Wing, Shivaji Stadium, (Annexe Building), Connaught Place, New Delhi-110001.
3. The Assistant Custodian of Enemy Property for India, Kaisar Bld-1, Hind Building, Currimbhoy Road, Ballard Estate, Mumbai-38.

4. The Principal Secretary, Revenue Department, State of Telangana, Secretariat Buildings, Hyderabad.
5. The District Collector, Ranga Reddy district, at Kongara Kalan, Ranga Reddy district-501510

are directed to show cause on or before 03.08.2023 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

The Court made the following:

ORDER:

Notice before admission.

Sri Gadi Praveen Kumar, learned Deputy Solicitor General of India, takes notice for respondent Nos.1 to 3.

Learned Assistant Government Pleader for Revenue takes notice for respondent Nos.4 and 5.

Post along with W.P.Nos.45899 of 2022 and 9478 of 2023 on 03.08.2023 for filing counter.

SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Home Affairs, New Delhi.
2. The Custodian of Enemy Property of India, 1st Floor, East Wing, Shivaji Stadium, (Annexe Building), Connaught Place, New Delhi-110001.
3. The Assistant Custodian of Enemy Property for India, Kaisar Bld-1, Hind Building, Currimbhoy Road, Ballard Estate, Mumbai-38.
4. The Principal Secretary, Revenue Department, State of Telangana, Secretariat Buildings, Hyderabad.
5. The District Collector, Ranga Reddy district, at Kongara Kalan, Ranga Reddy district-501510 (1 to 5 by RPAD- along with a copy of petition and Affidavit)
6. One CC to SRI. A NARASIMHA RAO Advocate [OPUC]
7. One CC to SRI. GADI PRAVEEN KUMAR (Dy. SOLICITOR GENERAL OF INDIA) Advocate [OPUC]
8. One spare copy

HIGH COURT

MSKJ

DATED:06/07/2023

**POST ALONG WITH W.P.NOS.45899
OF 2022 AND 9478 OF 2023
ON 03.08.2023 FOR
FILING COUNTER.**

NOTICE BEFORE ADMISSION

WP.No.17509 of 2023

