

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

TUESDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION NO: 21779 OF 2023

Between:

Kuthadhi Narsamma, W/o Late Advaiiah, Aged about 77 years, Occ:
Agriculture, R/o H.No. 3-79, Medipally Mandal, Ranga Reddy District

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue (Assignment) Department, Secretariat, Hyderabad
2. The District Collector, Medchal Malkajgiri District, Malkajgiri, Hyderabad
3. The Revenue Divisional Officer, Keesara Division, Medchal Malkajgiri District
4. The Commissioner of Police, Rachakonda Commissionerate, Gachibowli, Hyderabad
5. Hyderabad Metropolitan Development Authority, Rep. by its Commissioner, Hyderabad
6. The Tahsildar, Medipally Mandal, Medchal Malkajgiri 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 Writ, Order or Direction particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not allotting 1000 sq.yards per acre of developed land specifically giving details of the extent of land and plots allotted to surrender 3 Acres of land of Petitioner in Sy.No. 62 of Medipally Mandal and interfering with the possession of the Petitioner without handing over developed land of 1000 sq.yards per acre in HMDA layout as per memo No. 7279/Assn.II(3)/2018-1, dt. 08.05.2018 as illegal, without jurisdiction, violative of Articles 14, 21 and 300A of the Constitution of India and consequently direct the Respondents to allot 1000 sq.yards of developed land per acre to the Petitioner i.e., 3000 sq.yards specifically giving details of extent and plots in HMDA developed land to surrender her 3 Acres of assigned land as per Memo No. 7279/ASSN.II(3)/2018-1, dt. 08.05.2018 issued by the 1st Respondent.

I.A. 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 direct the Respondents not to interfere with the peaceful possess in and enjoyment of the Petitioner to an extent of 3 Acres of land in Sy.No. 62 of Medipally Village, Medchal Malkajgiri District till issuance of allotment letter allotting 3000 sq.yards of developed land giving specific details of extent and plots in HMDA developed land in terms of Memo No. 7279/ASSN.II(3)/2018-1, dt. 08.05.2018 issued by the 1st Respondent.

I.A. NO: 2 OF 2023

Between:

Hyderabad Metropolitan Development Authority, Rep. by its Commissioner,
Hyderabad

...Petitioner/Respondent No.5

AND

1. Kuthadhi Narsamma, W/o Late Advaiah, Aged about 77 years, Occ: Agriculture, R/o H.No. 3-79, Medipally Mandal, Ranga Reddy District

...1st Respondent/Petitioner

2. The State of Telangana, Rep. by its Principal Secretary, Revenue (Assignment) Department, Secretariat, Hyderabad
3. The District Collector, Medchal Malkajgiri District, Malkajgiri, Hyderabad
4. The Revenue Divisional Officer, Keesara Division, Medchal Malkajgiri District
5. The Commissioner of Police, Rachakonda Commissionerate, Gachibowli, Hyderabad
6. The Tahsildar, Medipally Mandal, Medchal Malkajgiri District

...Respondents/Respondents No.1-4 & 6

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 vacate the interim orders dated 11/08/2023 and 16/10/2023 granted in IA No 1/2023 in WP No 21779/2023 in the interest of justice and fair play

Counsel for the Petitioner: SRI K.L.N. RAGHAVENDRA REDDY

**Counsel for the Respondent No.1 to 3 & 6: Ms. R. SNEHITHA REDDY,
ASST. GP FOR REVENUE**

Counsel for the Respondent No.4: ASST. GP FOR HOME

Counsel for the Respondent No.5: SRI V. NARASIMHA GOUD, SC FOR HMDA

The Court made the following: ORDER

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

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.21779 OF 2023

Date: 24.03.2026

Between:

Kuthadhi Narsamma

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Revenue (Assignment) Department,
Secretariat, Hyderabad,
and five others.

.. Respondents

ORDER: (ORAL)

Heard Mr. K.L.N. Raghavendra Reddy, learned counsel for the petitioner; Ms. R. Snehitha Reddy, learned Assistant Government Pleader for Assignment, appearing for respondent Nos.1 to 3 and 6; Mr. V. Narasimha Goud, learned Standing Counsel for Hyderabad Metropolitan Development Authority (HMDA), appearing for respondent No.5; and the learned Assistant Government Pleader for Home appearing for respondent No.4, and perused the material available on record.

2. The case of the petitioner is that she is the absolute owner of the land admeasuring Acs.3-00 guntas in Survey No.62 of Medipally

Village and Mandal, Medchal - Malkajgiri District (subject land), which had been in possession of her family members since several decades. The petitioner and her family members had been cultivating the subject land and eking out their livelihood. It is stated that the petitioner and several others had been in possession of the lands in Survey No.62 of Medipally Village and requesting the authorities to regularise their possession. By considering their long standing possession, the District Collector *vide* proceedings No. D4/772/92 dated 02.07.1996 recognized their possessory rights and recommended to the Chief Commissioner of Land Administration for issuance of pattas.

3. It is further stated that there was correspondence between various authorities in the Revenue Department and proposals were submitted at various levels. At one point of time, when the Government decided to allot the land in Survey No.62 to the Police Department, the petitioner and some other similarly placed persons filed Writ Petition No.2121 of 2002, which culminated in Writ Appeal No.648 of 2002. By order dated 26.11.2002, the writ appeal was disposed of. In the said order, the statement of the learned Government Pleader to the effect that the land in question is not required for the purpose of assigning to the Police Department was recorded and a direction was issued by this Court to the Government to consider the case of the appellants therein for assignment of lands.

4. Learned counsel for the petitioner submitted that in pursuance of the directions issued in Writ Appeal No.648 of 2002, G.O.Ms.No.92 dated 28.01.2004 was issued by the Government directing the District Collector to assign the land to an extent of Acs.116-00 guntas in Survey No.62 of Medipally Village in favour of eligible persons after due verification in relaxation of ban orders imposed in G.O.Ms.No.1409 dated 19.08.1978.

5. It is stated that in pursuance of the above G.O.Ms.No.92 dated 28.01.2004, the Mandal Revenue Officer conducted enquiry and submitted a detailed report *vide* letter dated 22.02.2005 along with annexures showing the details of persons cultivating their respective lands. While such process is underway, the Government has proposed for development of Integrated Township by HMDA on the basis of land pooling scheme. When such offer was made to the petitioner and other similarly situated persons, negotiations were held and it was agreed that the petitioner would be allotted 1000 square yards per acre, in the developed layout. The petitioner consented for handing over possession of the subject land on condition of allotment of developed land of 1000 square yards per acre, in the developed layout by HMDA. While the proposals were under consideration, respondent No.1 issued memo No. 7279/Assn.II(3)/2018-1 dated 08.05.2018 proposing to assign 56 acres of land in Survey No.62, including the land of the

petitioner, for construction of Police Commissioner Office. The petitioner and some other similarly situated persons filed W.P.No.35380 of 2018 challenging the said memo. However, the said writ petition was withdrawn on the assurance given by the Government that the petitioner and similarly situated persons will be given the developed land and their interest will be sufficiently safeguarded and that the memo dated 08.05.2018 is only provisional subject to condition that the HMDA will develop the land and hands over the developed land of 1000 square yards per acre to them.

6. Learned counsel for the petitioner submitted that on the assurance given by the Government that the petitioner and other similarly situated persons would be allotted 1000 square yards per acre, in the developed layout in lieu of their acquired land, W.P.No.35380 of 2018 was withdrawn. While so, respondent No.3 - Revenue Divisional Officer, Keesara Division, issued proceedings *vide* Rc.No.B/1167/2018 dated 15.12.2022 referring to tentative allotment certificate without giving any details of the extent of land taken from the petitioner and extent of land allotted to her. Learned counsel submitted that the instant writ petition is filed challenging the action of the respondent authorities in not allotting the developed land of 1000 square yards per acre and trying to interfere with the possession of the petitioner over the subject land.

7. *Status quo* order was passed by this Court on 11.08.2023 in respect of the land admeasuring Acs.3-00 gunts in Survey No.62 of Medipally Village, Medchal Malkajgiri District. Subsequently, on the request of the petitioner seeking modification of the *status quo* order, another order dated 16.10.2023 was passed by this Court. It was contended by the learned counsel for the petitioner that in view of *status quo* order dated 11.08.2023, the petitioner is not in a position to get even the admitted 600 square yards of plot. According to the learned counsel for the petitioner, as against 1000 square yards of developed land per acre, the respondents came forward to allot 600 square yards and thus requested this Court to modify the order dated 11.08.2023. Accordingly, the order dated 16.10.2023 was passed directing the authorities to allot 600 square yards of developed land per acre in lieu of the land to an extent of Acs.3-00 guntas in Survey No.62 taken from the petitioner, without prejudice to the right of the petitioner to claim balance land of 400 square yards per acre.

8. Counter has been filed by respondent No.5 along with vacate stay petition. Respondent No.6 also filed their counter affidavit.

9. It is the case of respondent No.6 that the petitioner and others were encroachers of the land in Survey No.62 of Medipally Village and Mandal. Initially, there was proposal to allot 500 square yards of

developed land per acre as compensation to the persons whose lands are taken. Later, the extent of land was increased to 600 square yards per acre. The petitioner and others are encroachers. However, the petitioner had been in possession of Acs.3-00 guntas in Survey No.62. The petitioner had been paying encroachment penalties i.e., Sivai Jamabandi and sought for regularisation of the land in her possession and for issuance of assignment patta certificate. The petitioner and others have voluntarily relinquished the lands under their illegal possession and also gave consent for development of Master Township/layout. The Government issued Tentative Allotment Certificate to the encroachers *vide* Certificate No.B/1167/2018 dated 15.12.2002. The petitioner is neither the owner nor assignee, but only an illegal encroacher. The HMDA authorities have prepared the draft layout for the entire land of Acs.56-28 guntas in Survey No.62 of Medipally Village and Mandal. They have conducted e-auction of the plots. The HMDA has earmarked the developed house site plots @ 600 square yards for allotment to 38 persons as per their consent. Accordingly, the allotment certificates have been issued to 35 beneficiaries. Pursuant to the interim order passed by this Court, the land to an extent of 1800 square yards has been allotted to the petitioner.

10. In the course of hearing, the learned Assistant Government Pleader for Revenue was directed to furnish better information as to whether any scheme was formulated by the Government for allotment of 600 square yards of developed land in lieu of surrender of one acre.

11. Learned counsel for the petitioner further referred to the proceedings of the District Collector, Medchal Malkajgiri District, *vide* proceedings No.LC/420/2018 dated 12.05.2022, which, according to the learned counsel, reveals that HMDA has agreed to allot developed land of 1000 square yards per acre in Survey No.62 of Medipally Village, under the land pooling scheme.

12. Learned Assistant Government Pleader for Assignment and the learned Standing Counsel for HMDA furnished copy of G.O.Ms.No.234 Municipal Administration & Urban Development (PLG.I) Department dated 09.12.2022. Both the learned counsels submitted that all the documents relied upon by the learned counsel for the petitioner only show that there was recommendation for allotment of developed land of 1000 square yards per acre of land given for development of model layout and there was no decision taken by the Government or HMDA to allot 1,000 square yards per acre. Learned Assistant Government Pleader for Assignment further submitted that it was the policy of the Government to allot 1,000 square yards per acre

to the persons who have clear title and to allot 600 square yards per acre to the persons who are not having clear title or who are encroachers. Point No.4 (3) of G.O.Ms.No.234 dated 09.12.2022 reads as under:

“Depending upon the location of the particular land parcel, and land value (i.e land in far-off locations/districts requiring a bit larger extent of developed plot since the value will be a bit lower), each assignee / land owner will be offered 600 sq. yards to 1000 sq. yards of developed plot per acre of land given for development of model layout.”

13. As seen from the minutes of the meeting convened on 01.04.2022 by the District Collector, Medchal-Malkajgiri District, it reveals that the then Minister for Labour Employment, Factories & Skill Development, Mayor of Hyderabad, the Additional Collector of Medchal-Malkajgiri District, and the Revenue Divisional Officer, Keesara Division, attended the meeting along with the District Collector. It appears, several persons who are in possession of the land in Survey No.62 also attended the meeting. The minutes of the meeting show that the Committee headed by the District Collector has offered to allot the land to an extent of 250 square yards per acre for the land in Survey No.62 of Medipally Village and Mandal towards rehabilitation. The statement of the encroachers / possessors that they will forego their claims / withdraw pending cases if any before all the

forums if they are offered 500 square yards per acre of land was also recorded. The claim of the possessors that they should be allotted 1000 sq. yards was also considered. The recommendations were forwarded to the Government and ultimately G.O.Ms.No.234 dated 09.12.2022 was issued agreeing to offer 600 square yards to 1000 square yards of developed plot per acre.

14. Learned Standing Counsel for HMDA submitted that G.O.Ms.No.234 is general in nature. It was issued not particularly for Survey No.62 of Medipally Village, but for several areas with an object to develop the model layouts and planned development of Integrated Townships in and around Hyderabad city. Though specific G.O or proceedings is not referred to by the learned Assistant Government Pleader for Assignment and the learned Standing Counsel for HMDA and further information was not given by Mr. S. Rajesh Kumar, the Revenue Divisional Officer of Keesara (present in the Court), it is the contention of the learned Assistant Government Pleader for Assignment that it was the policy decision of the Government to initially allot 500 square yards of developed land per acre to the possessors/encroachers of land in Survey No.62 of Medipally Village and later it was enhanced to 600 square yards per acre.

15. It is not in dispute that the petitioner as on today does not have any patta certificate. It is also borne out from the record that the

petitioner is in possession of the subject land admeasuring Acs.3-00 guntas in Survey No.62 of Medipally Village and Mandal and had been litigating before this Court along with others for regularisation of the land in their possession. The petitioner is possessor / encroacher and does not have any title over the land in question. Apart from that, all the other possessors in Survey No.62 have received 600 square yards of developed land per acre. Memo No.7279/Assn.II(3)/2018-1 dated 08.05.2018 and the minutes of the meeting dated 01.04.2022 do not conclusively decide that the developed land of 1000 square yards per acre was promised to be given to the petitioner and others. Though it is the contention of the learned counsel for the petitioner that time and again assurances have been given by the respondent authorities that patta certificates will be issued recognizing the long-standing possession of the petitioner and other similarly situated persons, it is a matter of record that as of now the petitioner does not have patta certificate. The petitioner has already accepted 600 square yards of developed land per acre pursuant to the interim order dated 16.10.2023. Thus, this Court is not inclined to accept the contention of the learned counsel for the petitioner and the relief sought in this writ petition to direct the respondents to allot 1000 square yards of developed land per acre cannot be granted.

16. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in this writ petition stand closed.

SD/-A.V.S. PRASAD
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI K.L.N. RAGHAVENDRA REDDY, Advocate [OPUC]
2. One CC to SRI V. NARASIMHA GOUD, SC FOR HMDA [OPUC]
3. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad [OUT]
4. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
5. Two CD Copies

BN
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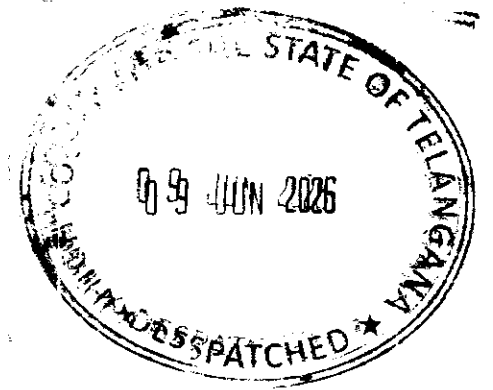
HIGH COURT

DATED: 24/03/2026

ORDER

WP.No.21779 of 2023

DISMISSING THE WRIT PETITION
WITHOUT COSTS



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lps
9/6/26.