

Listed On. : 26.04.2016
COURT NO.: 04
ITEM NO : 22

SECTION – XII-A
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 10699, 10682, 10683, 10684, 10685, 10686, 10695, 10696,
10697, 10698, 10700, 10701, 10702-10704, 10705, 10706, 10707, 10708 & 10681
OF 2013

AND

PETITION FOR SPECIAL LEAVE TO APPEAL(C). NO. 6510 of 2016

WITH

PRAYER FOR INTERIM RELIEF

WITH

INTERLOCUTORY APPLICATION NO. 8

(Application for Direction)

BANDARI RAMCHANDER & AMP; ORS.

...APPELLANTS

- VERSUS -

MAITRI COOP. HOUSING SOCIETY LTD. &
ORS.

...RESPONDENTS

OFFICE REPORT

The matters above-mentioned were listed before the Hon'ble Court on 23rd September, 2015, when the Hon'ble Court was pleased to pass the following Order:-

“C.A. No. 10697/2013

Learned counsel for the appearing parties have no objection if the applications are allowed.

I.A. No.15 for setting aside the abatement is allowed. Delay condoned in filing application for substitution. I.A. No.13 for substitution for bringing the Lrs. of the deceased Respondent Nos.32,33 and 36 on record is allowed.

Amended memo of parties be filed within two weeks and notice may be issued to the Lrs. of the deceased Respondent Nos.32, 33 and 36 returnable in six weeks.

There is no appearance on behalf of the State of Telangana. Notice may be issued to the Standing Counsel for the State of Telangana returnable in six weeks.

Dasti, in addition, is permitted.

Civil Appeal No. 10699 of 2013 (Bandari Ramchander & Ors. vs. Maitri Coop. Housing Society & Ors.) will be taken up as the main case.”

Subsequently, the application for substituted service in CA No. 10697 of 2013 was listed before the Registrar Court on 12th April, 2016, when the following order was passed :-

“None appears for respondent nos. 32 and 36 despite due service.

The appellant has already filed an application for substituted service of Lrs. of deceased respondent no. 33.

In view of office report, the application is allowed and Registry is directed to issue publication to be advertised in The Daily newspapers as mentioned in the application.

Registry to submit report regarding status of remaining respondents in the next office report.

List again on 28.07.2016.”

It is submitted to the Hon'ble Court that pursuant to the afore-said order dated 23rd September, 2015, notice of lodgment of Petition of Appeal was issued to the Lrs. of deceased Respondent Nos. 32, 33 and 36 in CA No. 10697 of 2013 through High Court and notice was also issued to M/s. Venkat Palwai Law Associates, Advocates, standing counsel for the State of Telangana. NLPA/notice was also issued to the Advocate for the Appellants for effecting dasti service on the Lrs. of deceased Respondent Nos. 32, 33 and 36 and standing counsel for the State of Telangana. Accordingly, Mr. Aniruddha P. Mayee, Advocate for the Appellants has on 3rd December, 2015 filed affidavit of dasti service in respect of Lrs. of deceased Respondent Nos. 32, 33 and 36 Stating therein that the Lrs./Respondents are not residing in the given address and his enquiry revealed that they were never residing in the said addresses. Counsel has also filed affidavit of service in respect of standing counsel for the state of Telangana, stating therein that notice has been served on M/s. Venkat Palwai Law Associates, Advocate,

standing counsel for the State of Telangana.

It is further submitted that the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh vide its letter dated 4th December, 2015 forwarded the certificate of service in respect of all the Lrs. of deceased Respondent Nos. 32 and 36 in CA No. 10697 of 2013 stating therein that notice has been served on the said Lrs. on 23rd November, 2015 and 26th November, 2015. and also to informed this Registry that the notice issued to Lrs. of deceased Respondent No. 33 have been returned unserved with the process server report that Lrs. Respondents are "not residing at the given address" Hence, correct addresses of the said unserved Lrs./Respondents are required. Accordingly, counsel for the Appellants was requested vide this Registry's letter dated 30th January, 2016 to furnished the latest and correct addresses of both the said Lrs. of deceased Respondent No. 33.

It is submitted that Mr. Aniruddha P. Mayee, Advocate for the Appellant instead of furnishing the latest and correct address of both the Lrs. of deceased Respondent No. 33 in CA No. 10697 of 2013, he has on 17th March, 2016 filed an application for substituted service through paper publication in Deccan Chronicle, English Daily and Enadu, Telugu daily local editions which are wide circulated daily news papers in the State of Telangana. The said application has been registered as I. A. No. 16 of 2016. Pursuant to the Registrar Court's Order dated 12th April, 2016, notice was issued to the Advocate for the Appellants in CA No. 10697 of 2013 for effecting service on both the Lrs. of deceased Respondent No. 33 through Daily News Paper publication vide this Registry's letter dated 18th April, 2016 but he has not filed affidavit of service with proof of publication so far.

Service is incomplete on Lrs. of deceased Respondent No. 33 in CA No. 10697 of 2013.

Service is complete on Lrs. of deceased Respondent Nos. 32 and 36 and service is also complete on remaining Respondent in CA No. 10697 of 2013.

It is further submitted to the Hon'ble Court that pursuant to the aforesaid order dated 10th March, 2015, status report of each of the matter alongwith relief prayed for as under:-

S. No	Appeal No.	Nos. of Resp.	Status	Prayer
1	C.A. No. 10699/2013	70	<p>Resp. No.1 - Represented by Mr. A.P. Mayee, Advocate</p> <p>Resp. Nos. 8 & 70 - Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 2 to 7 and 9 to 69 served with notice, but no one has entered appearance</p> <p>Service is complete on all Respondents.</p>	<p>Set aside the final order and Judgment dated 31.12.1997 in LGC No. 131 & 136 of 1995 passed by the Special Court, Hdyerabad established under the A. P. Land Grabbing (Prohibition) Act;</p> <p>Set aside the final order and Judgment dated 16.04.2003 in W. P. Nos. 2260 of 1998 and W. P. No. 889 of 1998 passed by the High Court of Andhra Pradesh</p> <p>Declare the Appellants as owners of Ac.277-18 gts situated in Sy. No. 100 of Miyapur village, Serilingampally Mandal, Ranga Reddy District.</p>
2	C.A. No. 10682/2013	31	<p>Resp. No. 1 - Represented by Ms. T. Anamika, Advocate</p> <p>Resp. Nos. 30 & 31 - Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 2 to 29 served with notice, but no one has entered appearance.</p> <p>Service is complete on all Respondents.</p>	<p>Challenging the Judgment dated 16.04.2003 of the High Court. Limited to the extent of not hearing the impleadment application of Syed Hyder Ali.</p>
S. No	Appeal No.	Nos. of	Status	Prayer

S. No	Appeal No.	Nos. of	Status	Prayer
3	C.A. No. 10683/2013	35	<p>Resp. No. 1 - Represented by Mr. Manu Shanker Mishra, Advocate</p> <p>Resp. No. 7 - Represented by Ms. T. Anamika, Advocate</p> <p>Resp. Nos. 34 & 35- Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 2 to 6 and 8 to 33 served with notice, but no one has entered appearance.</p> <p>Service is complete on all Respondents.</p>	<p>Challenging the Judgment dated 16.04.2003 of the High Court. Limited to the extent of not hearing the impleadment application of Syed Hyder Ali.</p>
4	C.A. No. 10684/2013	33	<p>Resp. No. 1 - Represented by Manu Shanker Mishra, Advocate</p> <p>Resp. No. 2 - Represented by Mr. A. P. Mayee, Advocate</p> <p>Resp. No. 3 - Represented by Ms. T. Anamika, Advocate</p> <p>Resp. Nos. 32 & 33- Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 4 to 31 served with notice, but no one has entered appearance</p> <p>Service is complete on all Respondents.</p>	<p>Challenging the Judgment dated 16.04.2003 of the High Court. Limited to the extent of not hearing the impleadment application of Syed Hyder Ali.</p>

		Resp.		
5	C.A. No. 10685/2013	35	<p>Resp. No. 1 - Represented by Ms. T. Anamika, Advocate.</p> <p>Resp. Nos. 34 & 35 - Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 2 to 33 served with notice, but no one has entered appearance</p> <p>Service is complete on all Respondents.</p>	<p>Challenging the Judgment dated 16.04.2003 of the High Court. Limited to the extent of not hearing the impleadment application of Syed Hyder Ali.</p>
6	C.A. No. 10686/2013	13	<p>Resp. Nos. 12 & 13 - Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 1 to 11 served with notice, but no one has entered appearance</p> <p>Service is complete on all Respondents.</p>	<p>Challenging the Judgment dated 16.04.2003 of the High Court. Limited to the extent of not hearing the impleadment application of Syed Hyder Ali.</p>
7	C.A. No. 10695/2013	34	<p>Resp. Nos. 32 & 34- Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 1 to 31 and 33 served with notice but no one has entered appearance</p> <p>Service is complete on all Respondents.</p>	<p>Against the order of High Court rejecting the prayer to issue writ of mandamus declaring the orders in LGC No. 131/1995 dated 31.12.1997, as arbitrary and illegal and to set aside the same.</p>
S. No	Appeal No.	Nos. of Resp.	Status	Prayer

8	C.A. No. 10696/2013	96	<p>Resp. No. 6 - Represented by Ms. T. Anamika, Advocate.</p> <p>Resp. Nos. 34 & 96 - Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 1 to 5, 7 to 33 and 35 to 95 served with notice, but no one has entered appearance</p> <p>Service is complete on all Respondents.</p>	The appeal has been filed by the Appellant, directly affected party challenging whether the Judgment of a Special Court under the A. P. Land Grabbing (Prohibition) Act, 1982, can apply to non parties to the proceedings.
9	C.A. No. 10697/2013	38	<p>Resp. Nos. 34 and 35- Represented by Mr. Rajesh Kumar, Advocate.</p> <p>Resp. No. 38- Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 1 to 31, 37 and Lrs. of deceased Respondent No. 32 and 36 served with notice, but no one has entered appearance</p> <p>Service is incomplete on Lrs. of deceased Respondent No. 33.</p>	Against the order of High Court rejecting the prayer to issue writ of mandamus declaring the orders in LGC Nos. 21 & 22/1994 dated 06.02.1995, as arbitrary and illegal and to set aside the same.
S. No	Appeal No.	Nos. of Resp.	Status	Prayer
10	C.A. No. 10698/2013	12	<p>Resp. Nos. 11 and 12 - Represented by M/s. Venkat Palwai Associates,</p>	Challenging the Judgment dated 16.04.2003 of the High Court.

			<p>Advocates</p> <p>Resp. Nos. 1 to 10 served with notice, but no one has entered appearance.</p> <p>Service is complete on all Respondents.</p>	<p>Limited to the extent of not hearing the impleadment application of Syed Hyder Ali.</p>
S. No	Appeal No.	Nos. of Resp.	Status	Prayer
11	C.A. No. 10700/2013	35	<p>Resp. No. 6 - Represented by Ms. T. Anamika, Advocate</p> <p>Resp. Nos. 34 & 35- Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 1 to 5 and 7 to 33 served with notice, but no one has entered appearance</p> <p>Service is complete on all Respondents.</p>	<p>Challenging the Judgment dated 16.04.2003 of the High Court.</p> <p>Limited to the extent of not hearing the impleadment application of Syed Hyder Ali.</p>
12	C.A. No. 10701/2013	74	<p>Resp. Nos. 12 and 74 - Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 1 to 11 and 13 to 73 served with notice, but no one has entered appearance</p> <p>Service is complete on all Respondents.</p>	<p>Set aside the final order and Judgment dated 31.12.1997 in LGC No. 131 & 136 of 1995 passed by the Special Court, Hdyderabad established under the A. P. Land Grabbing (Prohibition) Act;</p> <p>Set aside the final order and Judgment dated 16.04.2003 in W. P. Nos. 2260 of 1998 and W. P. No. 889 of 1998 passed by the High Court of Andhra Pradesh</p>

Declare the Appellants as owners of Ac.277-18 gts situated in Sy. No. 100 of Miyapur village, Serilingampally Mandal, Ranga Reddy District.

S. No	Appeal No.	Nos. of Resp.	Status	Prayer
13	C.A. Nos. 10702-10704 of 2013	71 Respondents in C.A.No. 10702/2013	Resp. Nos 9 and 71 in C.A. No. 10702 of 2013 - Represented by M/s. Venkat Palwai Associates, Advocates and Resp. Nos. 1 to 8 and Resp. Nos. 10 to 70 in C.A. No. 10702 of 2013 served with notice, but no one has entered appearance	Against the order of High Court rejecting the prayer to issue writ of mandamus declaring the orders in LGC No. 110/94 dated 31.12.1997, as arbitrary and illegal and to set aside the same.
		70 Respondents in C.A.No. 10703 /2013	Resp. Nos. 8 and 70 in C.A. No 10703 of 2013 - Represented by M/s. Venkat Palwai Associates, Advocates and Resp. Nos. 1 to 7 and 9 to 69 in C.A. No 10703 of 2013 served with notice, but no one has entered appearance	Against the order of High Court rejecting the prayer to issue a writ, order or direction calling for the records of the Judgment of the Special Court in LGC No. 110/94 dated 31.12.1997 and to set aside the same.
		12 Respondents in C.A. No. 10704 /2013	Resp. Nos.1 to 3 and 12 in C.A. Nos. 10704 of 2013 - Represented by M/s. Venkat Palwai Associates, Advocates and Resp. Nos. 4 to 11 in C.A. Nos. 10704 of 2013 served with notice, but no one has entered appearance	Against the order of High Court rejecting the prayer to issue writ of mandamus declaring the order of 1 st Respondent in No. B1/8071/91 dated 11.06.1992 as illegal and to set aside the same by confirming the order of the 3 rd Respondent in No. C/534/90 dated 10.06.1991.
			Service is complete on all Respondents.	

S. No	Appeal No.	Nos. of Resp.	Status	Prayer
14	C.A. No. 10705/2013	93	<p>Resp. No. 1 - Represented by Ms. T. Anamika, Advocate</p> <p>Resp. Nos. 31 and 93 - Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 1 to 30 and 32 to 92 served with notice, but no one has entered appearance</p> <p>Service is complete on all Respondents.</p>	<p>Against the order of High Court rejecting the prayer to issue writ of mandamus declaring the orders in LGC No. 136/1995 dated 31.12.1997, as arbitrary and illegal and to set aside the same.</p>
15	C.A. No. 10706/2013	91	<p>Resp. No. 1 - Represented by Ms. T. Anamika, Advocate</p> <p>Resp. Nos. 29 & 91- Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 2 to 28 and 30 to 90 served with notice, but no one has entered appearance</p> <p>Service is complete on all Respondents.</p>	<p>Against the order of High Court rejecting the prayer to issue writ of mandamus declaring the orders in LGC Nos. 131 & 132/1995 dated 31.12.1997, as arbitrary and illegal and to set aside the same.</p>
16	C.A. No. 10707/2013	96	<p>Resp. No. 6- Represented by Ms. T. Anamika, Advocate</p> <p>Resp. Nos. 34 and 96 - Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 1 to 5, 7 to 33, 35 to 95 served with notice, but no one has entered appearance</p> <p>Service is complete on all Respondents.</p>	<p>The appeal has been filed by the Appellant, directly affected party challenging whether the Judgment of a Special Court under the A. P. Land Grabbing (Prohibition) Act, 1982, can apply to non parties to the proceedings.</p>

S. No	Appeal No.	Nos. of Resp.	Status	Prayer
17	C.A. No. 10708/2013	94	<p>Resp. Nos. 31 & 94- Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. Nos. 1 to 30 and 32 to 93 served with notice, but no one has entered appearance</p> <p>Service is complete on all Respondents.</p>	The appeal has been filed by the Appellant, directly affected party challenging whether the Judgment of a Special Court under the A. P. Land Grabbing (Prohibition) Act, 1982, can apply to non parties to the proceedings.
S. No	Appeal No.	Nos. of Resp.	Status	Prayer
18	C.A.No. 10681/2013	34	<p>Resp. No. 1 - Represented by Mr. A.P. Mayee, Advocate</p> <p>Resp. No. 2 - Represented by Ms. T. Anamika, Advocate</p> <p>Resp. Nos. 32 & 34- Represented by M/s. Venkat Palwai Associates, Advocates</p> <p>Resp. No. 33 - Represented by Dr. Kailash Chand, Advocate.</p> <p>Resp. Nos. 3 to 31 served with the notice, but no one has entered appearance.</p> <p>Service is complete on all Respondents.</p>	Challenging the Judgment dated 16.04.2003 of the High Court. Limited to the extent of not hearing the impleadment application of Syed Hyder Ali.

I.A. No. 11 (for Impleadment filed by Dr. Kailash Chand, Advocate filed on 01.11.2012) in CA No. 10681/2013	Allowed on 12.11.2013	The applicant herein is one of the legal heirs/successors of Lateefuddin who was the Respondent No. 4 in C.S. No. 7 of 1958 which is filed before High
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		Court. This suit is for partition among the Legal heirs of Asman Jah's family. He was not party to the proceedings before the Court's below and recently he came to know about the pendency of the above SLPs and desires to implead himself as party to proceedings and to assist the Hon'ble Court.
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Service is complete in all the matter except Lrs. of deceased Respondent No. 33 in CA No. 10697 of 2013.

It is further submitted that M/s. Venkat Palwai Law Associates, Advocate for State of Telangana have on 6th April, 2015 filed an affidavit with leave of the Hon'ble Court but he has not served its copy on Dr. Kailash Chand, Advocate for Respondent No. 33. The said affidavit is placed with the appeal paper book for kind perusal of the Hon'ble Court.

It is also submitted that M/s. Venkat Palwai Law Associates, Advocates has on 28th August, 2015 filed affidavit on behalf of State of Telangana. The same has been included in paper-books.

PETITION FOR SPECIAL LEAVE TO APPEAL(C). NO. 6510 of 2016

The matter above-mentioned was listed before the Hon'ble Court on 29th February, 2016, when the Hon'ble Court was pleased to pass the following order :

“Delay in filing the application for substitution is condoned.

I.A. for substitution of the petitioner stands allowed. Cause title be rectified accordingly.

Issue notice on the special leave petition as well as the application for condonation of delay.

Tag with Civil Appeal no.10699 of 2013.

Let the matters be listed on 26.04.2016.”

Subsequently, Interlocutory Application No.6 of 2016(Application for Impleadment) was listed before the Hon'ble Court(In Chambers) on 29th March, 2016, when the Hon'ble Court was pleased to pass the following order :

“As prayed for, application for impleadment is allowed.”

AND, Interlocutory Application No.6 of 2016(Application for Substituted service) was listed before the Hon'ble Court on 5th April, 2016, when the Hon'ble Court was pleased to pass the following order :

“Taken on Board.
List the I.A. on 11.04.2016.”

Accordingly, name of party Respondent has been impleaded as Respondent Nos. 35 and 36 and Cause title has been amended.

It is submitted to the Hon'ble Court that there are 36 Respondents in the matter. Notice for Substitution Service was issued to the Counsel for the Petitioner and Counsel has on 21.04.2016 filed affidavit of service alongwith proof of publication which shows service is complete on all Respondents but no one has entered Vakalnama/Appearance on behalf of Respondents so far.

It is further submitted that Mr. Ashok K. Mahajan, Counsel for the Petitioner has filed an application for direction and the service is placed below for kind perusal of Hon'ble Court.

Service is complete.

The aforesaid Appeals alongwith Special Leave Petition above-mentioned are listed before the Hon'ble Court with this Report.

Dated this, the 25th day of April, 2016.

ASSISTANT REGISTRAR

Copy to:-

- 1 M/s. Lawyer's Knit & Co., Advocates, 25, Bazar Lane Bengali Market, N.D.
- 2 Mr K. Ram Kumar, Advocate, Ch. No. 42 Old
- 3 Mr. Rajesh Kumar, Advocate
- 4 Ms. T. Anamika, Advocate.
- 5 Mr. K. Shivraj Choudhury, Advocate, Ch. No. 16 old.
6. Mr. D. Mahesh Babu, Advocate.
7. Mr. T.V. Ratnam, Advocate
8. Mr. A.P. Mayee, Advocate, 413, M. C. Setalvad Block
9. Dr. Kailash Chand, Advocate, Library-II
10. Mr. Manu Shanker Mishra, Advocate
- 11 Mr. Ananga Bhattacharyya, Advocate
- *12 M/s. Venkat Palwai Associates, Advocates, 1, Ashoka Road, N. D.
(Standing counsel for State of Telangana)
13. Mr. Ashok K. Mahajan, Advocate

ASSISTANT REGISTRAR