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ITEM NO.101-PH

COURT NO.3

SECTION XIIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Civil Appeal No(s). 3791-3793/2011

GOVERNMENT OF TELANGANA & ORS.

Appellant(s)

VERSUS

RAO V.B.J.CHELIKANI & ORS. ETC.

Respondent(s)

(with appln. (s) for withdrawal of civil appeal and substitution and office report)

WITH

SLP(C) No. 19838/2010

(With appln(s) for permission to file additional documents and Interim Relief and Office Report)

C.A. No. 3794-3796/2011

(With appln(s) for modification of Court's Order and Office Report)

C.A. No. 3797-3799/2011

(With appln(s) for intervention and Office Report)

C.A. No. 3800-3802/2011

(With appln(s) for bringing on record additional documents and Office Report)

C.A. No. 3803/2011

(With Office Report)

C.A. No. 3804-3806/2011

(With appln(s) for transposing respondents as petitioners and Office Report)

C.A. No. 3807-3809/2011

(With Office Report)

C.A. No. 3810/2011

(With appln(s) for permission to file additional documents and Office Report)

Date : 02/05/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE S. ABDUL NAZEER

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For the parties:

Mr. Mukul Rohtagi, AG(NP)

Mr. B. Adinarayana Rao, Sr. Adv.

Ms. C.K. Sucharita, Adv.

Mr. S.S. Prasad, Sr. Adv.

Ms. C.K. Sucharita, Adv.

Mr. K.R. Anand, Adv.

Mr. Rajiv Dutta, Sr. Adv.

Mr. Kumar Dushyant Singh, Adv.

Mr. Siddharth Dutta, Adv.

Mr. Mukul Lather, Adv.

Mr. Vairawan A.S., Adv.

Mr. Prashant Bhushan, Adv.

Mr. Omanakuttan K.K., Adv.

Mr. Raghenth Basant, Adv.

Ms. Aanchal Tikmani, Adv.

Mr. Mishal Johari, Adv.

State of J&K Mr. M. Shoeb Alam, Adv.

Ms. Fauzia Shakil, Adv.

Mr. Ujjwal Singh, Adv.

Mr. Mojahid Karim Khan, Adv.

State of Haryana Mr. Shekhar Raj Sharma, Adv.

Mr. Sanjay Kr. Visen, Adv.

State of Nagaland Mr. Edward Belho, AAG

Ms. K. Enatoli Sema, Adv.

Mr. Amit Kumar Singh, Adv.

Mr. K. Luikang Michael, Adv.

Ms. Eliz Gangmei, Adv.

State of Assam Mr. Shuvodeep Roy, Adv.

Mr. Sayooj Mohandas M., Adv.

State of Karnataka Mr. V.N. Raghupathy, Adv.

State of Manipur Mr. Sapam Biswajit Meitei, Adv.

Mr. Naresh Kumar Gaur, Adv.
Mr. Ashok Kumar Singh, Adv.
State of WB Mr. Raja Chatterjee, Adv.
Mr. Chanchal Kr. Ganguli, Adv.
Mr. Addel Ahmed, Adv.
Mr. Piyush Sachdev, Adv.

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Runa Bhuyan, Adv.
Mr. Guntur Prabhakar, Adv.
Mr. S. Udaya Kumar Sagar, Adv.

Mr. Amit Pawan, Adv.
Mr. Bijoy Kumar Jain, Adv.
Mr. Rajeev Sharma, Adv.
Mr. R. Nedumaran, Adv.
Mr. T.V. Ratnam, Adv.
Mr. Ugra Shankar Prasad, Adv.
Mr. Neeraj Kr. Jain, Adv.
Mr. Manish Mohan, Adv.
Ms. Manisha S, Adv.
Mr. Arvind Kr. Gupta, Adv.
Mr. Sateesh Galla, Adv.
Uma P.B., Adv.
Mr. Reegan S.Bel, Adv.
Mr. N. Rajaraman, Adv.
Mr. Abinash Kumar Mishra, Adv.
Ms. Promila, Adv.
Mr. S. Thananjayan, Adv.
M/s.Venkat Palwai Law Associates, Adv.
Mr. Anil Srivastava, Adv.
Mr. Gopal Singh, Adv.
Mr. D.K. Sinha, Adv.
Mr. T. Mahipal, Adv.
Ms. Hemantika Wahi, Adv.
Ms. Pragati Neekhara, Adv.
Mr. Mohit Chaudhary, Adv.
Mr. Nishant R. Katneshwarkar, Adv.

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Mr. Ashok Kr. Singh, Adv.
Mr. Ranjan Mukherjee, Adv.
Mr. P.V. Yogeswaran, Adv.
Ms. Sharmila Upadhyay, Adv.
Mr. Kuldeep Singh, Adv.
Ms. Ruchi Kohli, Adv.
Ms. Aruna Mathur, Adv.
M/s.Arputham Aruna & Co., Adv.
Mr. B. Balaji, Adv.
Ms. Rachna Srivastava, Adv.
Mr. Parijat Sinha, Adv.
Ms. G. Indira, Adv.
Mr. Nikhil Goel, Adv.
Mr. M.K. Maroria, Adv.
Mr. V.G. Pragasam, Adv.

UPON hearing the counsel the Court made the following

O R D E R

IA nos. 10-12 of 2017 in Civil Appeal Nos. 3797-3799 of 2011

The appellant-applicant is a housing society who was allotted a certain parcel of land by a G.O.Ms no. 424 dated 25 th

March, 2008 in the erstwhile State of Andhra Pradesh. On the same day, by different orders, the State had allotted different parcels of land in favour of various other housing cooperative societies. The applicant society is a society of journalists. Some of the other societies are societies comprising of Members of the Legislative Assembly etc.

The allotments came to be challenged by Public

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Interest Litigation. The writ petition was allowed by the impugned judgment of the High Court. Hence appeals. During the pendency of these appeals, the societies other than the appellant society were allowed to develop the parcels of land allotted to each one of them. However, they were not permitted to make allotments and constructions. The appellant society, it appears, was not given possession of the land allotted to them in view of the impugned judgment. Admittedly, the appellant society paid an amount of Rs. 12.33 crores, a fact which the learned Advocate General appearing for the State, acknowledges.

In the circumstances, we do not see any reason to treat the appellant society differently. The State is at liberty to hand over possession of the property which is the subject matter of the above-mentioned GOMs no. 424 to the appellant society without prejudice to the final decision of this Court in the matter. The appellant society shall take such steps to protect the property from encroachment and also permitted to undertake development activity of the land without making construction of the buildings.

In the meantime, we modify the interim order dated 14 th

May, 2010, to the limited extent that the allottees/societies, who are already in possession of the subject land, may develop the land at their own risk and cost and they shall not claim any equities in their favour, if ultimately they fail in these appeals. Rest of the conditions imposed in interim order dated 19 th

April, 2008 passed by the High Court shall continue to be in force. IA stands disposed of accordingly.

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List all the appeals on August 9, 2017 as part heard.
(DEEPAK MANSUKHANI) (RAJINDER KAUR)
AR-cum-PS Court Master