

ITEM NO.102

COURT NO.3

SECTION XIIA

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

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

GOVERNMENT OF TELANGANA &amp; ORS.

Appellant(s)

VERSUS

RAO V.B.J.CHELIKANI &amp; 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 : 20/04/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE S. ABDUL NAZEER

For the parties:

State of Telangana Mr. Dushyant Dave, Sr. Adv.  
 Mr. Harin P. Raval, Sr. Adv.  
 Mr. S. Udaya Kumar Sagar, Adv.

State of AP Mr. A.K. Ganguli, Sr. Adv.  
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 Ms. Pujitha Gorantla, Adv.  
 Mr. Hishal Johari, Adv.  
 Ms. Aanchal Tikmani, Adv.  
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Mr. Rajiv Dutta, Sr. Adv.  
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 Mr. Siddharth Dutta, Adv.  
 Mr. Mukul Lather, Adv.  
 Mr. Vairawan A.S., Adv.  
 Mr. R. Nedumaran, Adv.

Mr. B. Adinarayan Rao, Sr. Adv.  
 Mr. Pawan Sharma, Adv.  
 Mr. Anuj Shah, Adv.  
 Mr. Rajeev Sharma, Adv.

Mr. Niraj Kumar Jain, Sr. Adv.  
 Mr. Manish Mohan, Adv.  
 Mr. Arvind Kumar Gupta, Adv.  
 Mr. Bhaskar P, Adv.  
 Mr. Ugra Shankar Prasad, Adv.

Mr. Amit Pawan, Adv.

Mr. Bijoy Kumar Jain, Adv.

Mr. T. V. Ratnam, Adv.

Mr. Abinash Kumar Mishra, Adv.

Ms. Promila, Adv.

Mr. S. Thananjayan, Adv.

M/s.Venkat Palwai Law Associates

Mr. Sateesh Galla, Adv.

Mr. Uma Prasana B, Adv.

Mr. N. Rajaraman, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Some important questions regarding the authority of State in making allotment of land for the housing purposes either to certain identified groups of the society or individuals arise in this batch of appeals.

Having regard to the fact that the allotment of land is of the property vested in the individual States and having regard to the fact that the legislative competence to deal with the subject matter of land, is vested with the States under Entry 18 of List II of the 7th Schedule, primarily States have the necessary authority of formulating the policies with respect to the allotment of land for the housing purposes. But in the last few decades of the history of the Republic, it so happened that the policies of different States in this regard varied from State to State and even with reference to an individual State from time to time. It lead to lot of litigation creating uncertainties over the rights and obligations of the individuals and also questions regarding the legality

and propriety of the policies adopted by the individual States.

In the present set of appeals before us, these questions are needed to be examined with reference to two States of the country, i.e. States of Telangana and Andhra Pradesh, but having regard to the importance of such question, we, prima facie, see the need to explore the possibility of establishing a uniform policy in these matters applicable throughout the country.

We, therefore, deem it appropriate to issue notice to the learned Attorney General to assist the Court in arriving at a proper conclusion in these matters.

We also deem it appropriate to put all the States and the Union Territories also and the Union of India on notice.

Registry will serve a copy of this order to various standing counsel/Advocates on Record representing different States and Union Territories and also to the learned Attorney General, within a week from today.

List the matters on 2<sup>nd</sup> May, 2017 as part heard.

(DEEPAK MANSUKHANI)  
AR-cum-PS

(SUMAN JAIN)  
Court Master