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For Respondent(s)

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

By our order dated 15th February, 2010 passed in I.A.

No.6/2009 in S.L.P.(C) No.14917 of 2003 and other connected  
I.As for directions filed in some of the connected special  
leave petitions, we had directed the District Collector,  
Ranga Reddy District, Andhra Pradesh to consider and decide  
the applications submitted by the members of the

petitioners' housing societies for regularization of their possession pending disposal of the special leave petitions without in any manner adversely affecting the interests of the petitioners herein. Although, the said order was made after hearing learned counsel for the parties, I.A. No.7 in I.A. No.6 in S.L.P.(C) No.14917 of 2003, I.A. No.3 in I.A. No.2 in S.L.P.(C) No.15760 of 2003 and I.A. No.4 in I.A.No.3 in S.L.P.(C) No.17182 of 2003 for modification of the said order have been filed. On 10th May, 2010, we had directed that S.L.P.(C) No.14917 of 2003 and connected petitions along with I.As be listed after summer vacation and ordered the parties to maintain status quo, as the same obtained on 10th May, 2010.

When the matter came up today before us, M/s. Altaf Ahmad and P.V.Shetty, learned senior counsel argued that any direction regarding consideration of the applications

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filed by members of the housing societies, who are not parties to these proceedings, will add a new dimension to the litigation. It was submitted that applications seeking a direction to the District collector to consider the applications for regularization have been filed by the very same societies who claim to be the owners of the land in dispute. The disputed land is also claimed in ownership by the private respondents who are petitioners in some of these petitions. It was urged that determination of any question regarding regularization of the alleged unauthorized occupation of the members of the societies, will not only create avoidable confusion but affect the interest of private owners seriously apart from prejudicing them in the proceedings before this Court. It was submitted that the order of this Court dated 15th February, 2010 deserves to be modified and status quo maintained by the parties as already directed by order dated 10th May, 2010.

Mr. Andhyarujina, learned senior counsel appearing

for some of the co-operative societies and Mr. Rakesh Dwivedi, learned senior counsel appearing for some other societies on the other hand submitted that this Court's order dated 15th February, 2010 having been passed after hearing all concerned, could not be set at naught by the present applications filed by some of the parties seeking vacation of the said order. It was submitted that the order of this Court dated 15th February, 2010 makes it clear that any order that the District Collector may pass on the said

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applications shall be without prejudice to the rights of the parties and shall be subject to the final outcome of these special leave petitions. According to them, the apprehension expressed by the respondents that the order passed by the District Collector may prejudice the parties is without any basis.

We have given our anxious consideration to the submission made at the Bar and perused the record.

Keeping in view the nature of the controversy and the fact that the societies on the one hand and the private parties on the other make rival claims to their ownership of the disputed land, which is, according to the order passed by the Special Court and that passed by the High Court vested in the State Government, we need to modify the direction issued by our order dated 15.2.2010. We are further of the opinion that instead of issuing a direction to the Collector to decide the question of regularization we ought to leave it open to the collector to take a decision about the expediency of undertaking any such exercise. It would, in our opinion, be more appropriate if we say that while applications, if any, may be filed by any one of the parties who may claim regularization of their possession over the land in their respective occupation, any such applications may be (not necessarily must be) considered by

the District Collector in accordance with law after hearing

all the concerned parties.

We make it clear that in case

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for any reason the District Collector considers it inexpedient to or is unable to examine and determine the question regarding regularization of the alleged unauthorized occupation of the applicants before him, he shall be free to pass an appropriate order to that effect in which event the aggrieved party shall be free to seek appropriate redress in appropriate proceedings before an appropriate forum.

We further direct that in case the Collector does entertain applications from those in occupation of the land in question and does find any one of them entitled to regularization, any such order of regularization shall not be given effect to pending final disposal of these proceedings.

With the above observations and modifications, we dispose of these applications.

Issue notice on the applications for impleadment.

(Parveen Kr. Chawla)  
Court Master

(Indu Satija)  
Court Master