

W.L. No. : 25/2015
COURT NO.: 09
ITEM NO : 112

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

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

WITH

**INTERLOCUTORY APPLICATION NO.11 IN C.A.10697/2013 @ SLP
15697/2003**

(Application for deletion of of the names of deceased Respondent Nos. 32,33 and 36 from array of parties.)

AND

**INTERLOCUTORY APPLICATION NO.13 IN C.A.10697/2013 @ SLP
15697/2003**

(Application for substitution for bringing on record the Lrs. of deceased Respondent Nos. 32, 33 and 36)

AND

**INTERLOCUTORY APPLICATION NO.14 IN C.A.10697/2013 @ SLP
15697/2003**

(Application for condonation of delay in filing the substitution application of the deceased Respondent Nos. 32, 33 & 36)

AND

**INTERLOCUTORY APPLICATION NO.15 IN C.A.10697/2013 @ SLP
15697/2003**

(Application for setting aside the abatement)

SYED HYDER ALI & ORS ETC. ETC.

...APPELLANTS

- VERSUS -

MAITRI COOP. HOUSING SOCIETY &
ORS. ETC. ETC.

...RESPONDENTS

OFFICE REPORT

The matters above-mentioned were listed before the Hon'ble Court on 10th March, 2015, when the Hon'ble Court was pleased to pass the following Order:-

“Service is not complete in Civil Appeal No. 10697 of 2013.

Learned counsel from all the sides are not present in Court. Hence the matters are adjourned for four weeks.

The Registry is directed to prepare an exhaustive report as to the stage of the cases and the relief prayed for by the parties including the intervenors.”

Subsequently, the matters, above-mentioned were again listed before the Hon'ble Court on 7th April, 2015, when the Hon'ble Court was pleased to pass the following Order:-

“I.A. No. 11 in SLP(c) No. 10697 of 2013

Learned counsel for the applicant seeks permission to withdraw I.A. No. 11 in SLP(C) No. 10697 of 2013 in order to file a regular application for substitution.

List the matters in the second week of July, 2015.

In the meantime, parties are permitted to exchange their documents. ”

It is submitted to the Hon'ble Court that Mr. Aniruddha P. Mayee, Advocate has on 7th July, 2015, filed common application for bringing on record the Lrs. of deceased Respondent Nos. 32, 33 and 36 in CA Nos. 10697 of 2013. The said application is barred by time by 4653 days in respect of deceased Respondent No. 32, 6299 days in respect of deceased Respondent No. 33 and 6186 days in respect of deceased Respondent No. 36 and the counsel has also filed applications for condonation of delay in filing the said application for substitution and for setting aside the abatement. Counsel has also filed notice of motion for effecting service on the proposed Lrs. of said deceased Respondent and the notice of motion yet to be endorsed. The said application have been registered as I. A. Nos. 13, 14 and 15/2015 and the same is placed with the appeal paper books of CA No. 10697 of 2013 for kind perusal of the Hon'ble Court.

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. 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>	<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>
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 Resp.	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>

S. No	Appeal No.	Nos. of Resp.	Status	Prayer
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>	<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>
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 and 37 served with notice, but no one has entered appearance</p> <p>Resp. Nos. 32, 33 and 36 have since expired.</p> <p>Service is incomplete on Respondent Nos. 32, 33 and 36.</p>	<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.</p>

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, 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>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>
11	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, 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> <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>

S. No	Appeal No.	Nos. of Resp.	Status	Prayer
12	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. Limited to the extent of not hearing the impleadment application of Syed Hyder Ali.</p>
13	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> <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>

S. No	Appeal No.	Nos. of Resp.	Status	Prayer
14	C.A. Nos. 10702-10704 of 2013	71 Respondents in C.A.No. 10702/2013 70 Respondents in C.A.No. 10703 /2013 12 Respondents in C.A. No. 10704 /2013	<p>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</p> <p>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</p> <p>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</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. 110/94 dated 31.12.1997, as arbitrary and illegal and to set aside the same.</p> <p>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.</p> <p>Against the order of High Court rejecting the prayer to issue writ of mandamus declaring the order of 1st Respondent in No. B1/8071/91 dated 11.06.1992 as illegal and to set aside the same by confirming the order of the 3rd Respondent in No. C/534/90 dated 10.06.1991.</p>

S. No	Appeal No.	Nos. of Resp.	Status	Prayer
15	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>
16	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>
17	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
18	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.

<p>I.A. No. 11 (for Impleadment filed by Dr. Kailash Chand, Advocate filed on 01.11.2012) in CA No. 10681/2013</p>	<p>Allowed on 12.11.2013</p>	<p>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 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.</p>
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Service is complete in all the matter except Respondent Nos. 32, 33 and 36 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.

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

Dated this, the 31st day of August, 2015.

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)

ASSISTANT REGISTRAR