

ITEM NO.17

COURT NO.5

SECTION XII-A

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

Petition(s) for Special Leave to Appeal (C) No. 12078/2006

(Arising out of impugned final judgment and order dated 21-04-2006 in AS No. 1652/1989 passed by the High Court Of A.P. At Hyderabad)

D. TIRUPATHI RAYUDU &amp; ORS.

Petitioner(s)

VERSUS

VUPPALA LAKSHMI DEVI SINCE DEAD &amp; ORS.

Respondent(s)

WITH

SLP(C) No. 284/2007 (XII-A)

Date : 13-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE  
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. S Murlidhar, Sr. Adv.  
Mr. Himinder Lal, AOR  
Mr. Roy Abraham, Adv.  
Ms. Reena Roy, Adv.  
Mr. Adithya Koshy Roy, Adv.  
Mr. Rajni Ohri Lal, Adv.

Mr. Jayant Bhusan, Sr. Adv.  
Mr. Byrapaneni Suyodhan, Adv.  
Mr. Kumar Shashank, Adv.  
Mr. Bharat J Joshi, Adv.  
Ms. Tatini Basu, AOR

For Respondent(s) Mrs. Sudha Gupta, AOR

Mr. Ramesh Chandra Pandey, AOR

Mr. Adn Rao, Sr. Adv.  
Mr. Annam Venkatesh, AOR  
Mr. Rahul Mishra, Adv.  
Mr. Dhuli Shiva Shankar, Adv.  
Ms. Agrimaa Singh, Adv.  
Ms. Ritumbhara Garg, Adv.

Mr. C.mohand Rao, Sr. Adv.  
Mr. Ramesh Allanki, Adv.

Ms. Aruna Gupta, AOR  
Mr. Syed Ahamd Naqvi, Adv.

Ms. Chandan Ramamurthi, AOR

Ms. Nidhi, AOR  
Mr. Mohit Girdhar, Adv.  
Mr. Sarthak Arora, Adv.  
Mr. Syed Saif Ullah, Adv.

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

The petitioners before us are subsequent purchasers of undivided 9/10<sup>th</sup> share comprising of approximately 261 acres of the land situated at Visakhapatnam. The petitioners claim that undivided 9/10<sup>th</sup> share of the said land was conveyed to them by family members of the legal representatives of original respondent No. 1.

The legal representatives of original respondent No.1 claims to be entitled to 1/10<sup>th</sup> share in such property and her entitlement to that extent is not disputed by the petitioners.

The proceeding out of which the present petition(s) arise(s) relates to partition of an entire block of land. The impugned order was passed in final decree proceeding. There is another factor which intervened so far as the subject-land is concerned and that is a proceeding under the AP Inams (Abolition and Conversion of Ryothwari Act), 1956 (hereinafter referred to as 'the 1956 Act').

The State's position is that out of 261 acres,

206 acres are inam land and hence, stands vested in the State. That factor is missing from the impugned order.

Mr. S. Murlidhar and Mr. Jayant Bhusan, learned senior counsel appearing for the petitioners apprise this Court that a writ petition has been filed against the orders passed in the proceedings under the 1956 Act and the said writ petition is pending before the jurisdictional High Court for disposal. In our opinion, unless and until the question vesting of the said land is finally determined, the Decree passed in the partition suit taking 261 acres to be the total area of land in respect of which partition is asked for cannot be given affect to.

Hence, we adjourn hearing of these petitions for a period of six months so that the proceeding under the 1956 Act is finally adjudicated upon.

Until further orders of this Court, there shall be an order of *status quo* as regards the possession of the subject-land. This order of status quo, however, shall not prevent the High Court from determining the issues raised under the 1956 Act.

As there is no dispute on entitlement of the legal representatives of original respondent No.1 to 1/10<sup>th</sup> Share of the available 55 acres of land, we

give liberty to the legal representatives of the original respondent No. 1 to apply before the Trial Court for obtaining possession of 5.5 acres without prejudice to the rights and contentions of the parties.

List these matters after six months.

We expect the pending writ petition registered as Writ Petition No. 23212 of 2022 shall be decided expeditiously.

(SNEHA DAS)  
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)  
ASSISTANT REGISTRAR