**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**
**(Special Original Jurisdiction)**

FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL**
**AND**
**THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR**

**WRIT PETITION NO: 15956 OF 2023**

**Between:**

1. Syed Waheedunnisa Nuzhat, D/o. Late Syed Azizullah Hussaini and great grand daughter of Late Syed Akbar Hussaini. Aged about 56 years, Occ. Housewife, R/o. Fatima Colony, Hussainialam, Hyderabad 500 064
2. M/s. Lorven Projects Limited, Reg. GPA of successors of Late Syed Akbar Hussaini. Rep. by its Managing Director Mr. GP Reddy, S/o. GC Reddy, Aged about 65 years, Occ. Business, Office at Plot No. 1291, Road No. 65, Jubilee Hills, Hyderabad

**...PETITIONERS**

**AND**

1. The Chief Commissioner of Land Administration (Court of Wards), Government of Telangana, Opp. Annapurna Hotel, Nampally Road, Abids, Hyderabad, represented by its Chief Commissioner.
2. State of Telangana, Represented by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
3. The District Collector, Ranga Reddy District, At Integrated District Office Complexes, Kongara Kalan Village, Ibrahimpatnam Mandal, Ranga Reddy District, Telangana 501510.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondent No.1 in not releasing the property in Survey No. 46, Raidurg, Serilingampally Mandal, Ranga Reddy District measuring Ac. 84.30 gts. (Subject Property) by duly issuing notification under Section 64 as prescribed under the Court of Wards Act, 1350 Falsi to the Petitioners being successor-in-interest of the originally owner Late

Syed Akbar Hussaini as arbitrary, illegal, unconstitutional, violation of principles of natural justice and fundamental rights guaranteed under Article 14, 21 and 300A of the Constitution of India and consequently direct the Respondent No.1/ Court of Wards/ CCLA to issue a Gazette Notification for withdrawal of Superintendence under Section 64 of Court Of Wards Act 1350F, which is mandatory, over the Subject Property in Sy No. 46, admeasuring Ac. 84.30 gts, Raidurg, Serilingampally Mandal, Ranga Reddy District, based on the Firman dated 17th Ramzan 1348H and the Succession approved by H.E.H. The Nizam in the year 1948, in favour of the Petitioners and other successors-in-interest of Syed Akbar Hussaini.

**IA NO: 5 OF 2023**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to protect the land in Survey No. 46, admeasuring Ac. 84.30 gts, Raidurg, Serilingampally Mandal, Ranga Reddy District from illegal claims and physical encroachments, as per Section 16 of the Court of Wards Act, as the Respondent No.3 is the custodian, till the disposal of the writ petition.

**IA NO: 2 OF 2023**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to may call for records in NA2/523/2005, renumbered as NA2/95/2012 from the office of the Respondent No.1 for not acting in accordance with the provisions of Court of Wards Act, 1350 Falsi for issuance of Gazette Notification under Section 64 of Court of Wards Act with respect to the land in Sy No. 46, admeasuring Ac. 84.30 gts, Raidurg, Serilingampally Mandal, Ranga Reddy District.

**IA NO: 4 OF 2023**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased To direct the Respondent No.1/ CCLA for correction of all the revenue records

pertaining to Sy No. 46, Raidurg, Serilingampally Mandal, Ranga Reddy District in favour of the Petitioners and other successors-in-interest of Syed Akbar Hussaini.

**IA NO: 3 OF 2023**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.1/ Court of Wards/ CCLA to dispose of the Application No. NA2/523/2005, renumbered as NA2/95/2012, in favour of the Petitioners and other successors-in-interest of Late Syed Akbar Hussaini.

**IA NO: 1 OF 2023**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased To declare that the land in Survey No. 46, Raidurg, Serilingampally Mandal, Ranga Reddy District measuring Ac. 84.30 gts. is excluded from the list of properties pending in CS No. 7/1958 as the property is still under superintendence of court of wards as held in SA No. 1118/1999 dated 24/03/2023 by the Honble High Court for the State of Telangana.

**Counsel for the Petitioner : SRI H.RAJESH KUMAR**

**Counsel for Respondents: ADDL.ADVOCATE GENERAL & GP FOR REVENUE**

**The Court made the following: ORDER**

**THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL**
**AND**
**THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR**

**W.P. No.15956 of 2023**

**ORDER**: *(Per the Hon'ble Sri Justice N.V. Shravan Kumar)*

Learned counsel Mr. Rajesh Kumar H for the petitioners.

Learned Additional Advocate General and the learned Government Pleader for Revenue for the respondents.

This writ petition has been filed seeking a writ of mandamus to declare the action of the respondent No.1 in not releasing the property in Survey No.46, Raidurg, Serilingampally Mandal, Ranga Reddy District, measuring Acs.84.30 guntas (hereinafter referred to as 'the subject property') by duly issuing notification under Section 64 as prescribed under the Court of Wards Act, 1350 Fasli to the petitioners being successor-in-interest of the originally owner late Syed Akbar Hussaini as arbitrary, illegal and consequently to direct the respondent No.1/Court of Wards/CCLA to issue a Gazette Notification for withdrawal of Superitendence under Section 64 of the Court of Wards Act, 1350F, which is mandatory, over the subject property based on the Firman dated 17th Ramzan 1348H and the Succession approved by HEH The Nizam in the year 1948 in favour of the petitioners and other successors-in-interest of Syed Akbar Hussain.

2. The petitioner No.1, Syed Waheedunnisa Nuzhat, is represented by the petitioner No.2, M/s. Lorven Projects Limited, in the capacity of General Power of Attorney.

3. Brief facts of the case stated are that the Subject property originally belongs to the ancestor of the Petitioner No.1, Late Syed Akbar Hussaini, S/o. Late Syed Mohammed Shah. The said Syed Akbar Hussaini expired on 9th Rabi-al-Thani 1343H and thereafter disputes arose among the family members. One of his wives by name Rasool Bee raised a succession dispute and filed a petition before H.E.H. The Nizam, by exercising sovereign powers under Section 13 of the Court of Wards Act, 1350F, placed various properties left behind by Late Syed Akbar Hussaini, which include 10 movables and 11 immovable properties, under the Superintendence of Court of Wards and issued Royal Firman dated 18th Rajab 1343H (Gregorian Year 1922). When the Subject property was under the Superintendence of the Court of Wards, along with other 20 properties, a series of negotiations have been held and compromises were reduced in writing among the heirs of Syed Akbar Hussaini by way of three compromises. Thereafter, the H.E.H. The Nizam approved the 3rd Compromise dated 12th Amardad 1337F and issued a Firman dated 17th Ramzan 1348H directing the authorities to arrange all the deeds and things as per the compromise deed dated 12th Amardad 1337F. Accordingly, Succession Certificate was issued by the authorities in 1358F (Gregorian Year 1948). It is further submitted that the subject

properties, along with Yenkepalli Makta and Big House, were finally to be released as per the approved ratios and that except the subject property other properties belonging to Syed Akbar Hussain were released. As such, there is a dispute regarding the title of the subject property now succeeded by the petitioners.

4. It is further submitted that some third parties claiming to be the purchasers of the subject property approached the Court by filing O.S. No.74/1978 seeking a declaration and injunction and another suit i.e. O.S. No.47/1985 was also filed by the heirs of Syed Akbar Hussaini claiming that the subject property was not released from the Superintendence of Court of Wards. Both the suits were dismissed on 17.04.1997 on the ground that the subject property was Government land, thereafter, appeals were filed in A.S. No.62/1997 & A.S. No.22/1999 and the same were also dismissed on 06.12.1999. Thereafter, second appeal in S.A. No.1118/1999 was filed and the said Second Appeal was allowed on 15.07.2009, however, the Government carried the matter in appeal to the Hon'ble Supreme Court in Civil Appeal No.2436 of 2016 (Arising out of SLP (c) No.24150/2010) and the Hon'ble Supreme Court vide its order dated 01.03.2016 remanded the matter to the High Court with a timeline to decide the matter in one year. On remand, the said S.A. No.1118/1999 was heard in length and the Court pronounced the judgment on 24.03.2023 wherein it is held that the subject property in Sy.No.46 measuring Acs.84.30 gts., at Raidurg was placed

under supervision of the Court of Wards by Firman, H.E.H. The Nizam. In the said judgment in para 94, it was held that *"...I hold that the suit property is still under Superintendence of court of wards and not released."* While the property was kept under Superintendence of court of wards under Section 13 of the Act, physical possession vests with the legal heirs of Syed Akbar Hussaini. The Court on hearing the Second Appeal S.A. No.1118/1999, negated the claim of the subsequent purchasers. Similarly, the Court negated the claim of the subject lands as Government lands. It is submitted that in the S.A. No.1118/1999 the Petitioner No.1 (Syed Waheedunnissa Nuzhat) contested as Respondent No.20 and impleaded as legal heir of original defendant No.6.

5. It is further submitted that earlier the heirs of late Akbar Hussaini have also filed writ petitions for release of the subject property from the Superintendence of the Court of Wards i.e. W.P. No.11357/2012 and W.P. No.18983/2018. Respondent No.1 & 2 (CCLA & Principal Secretary Revenue) jointly filed a Counter Affidavit in W.P. No.18983/2018 dated 09.08.2018 in which, they admitted on oath that the subject property is under the Superintendence of Court of Wards. Based on the counter affidavit in W.P. No.18983/2018, the Division Bench of this Court directed the CCLA to dispose of the pending Application No.NA2/523/2005, renumbered as NA2/95/2012 in three months. It is further submitted that CCLA has not complied with the High Court orders till date. The Court of Wards on hearing

the Applicants in NA2/95/2012 sent a status report on 18.01.2020. In this status report, there was a reference to the orders passed in Contempt Appeal Case No.33/2017, LPA No.1/2018 based on the assignment of decree in C.S. No.7 of 1958. The Judgment in S.A. No.1118/1999, dated 24.03.2023, para No.83 & 117 held that these are unconnected to the subject property. Cases or Judgments arising out of these i.e. SLP (C) No.24646-24647/2018 and SLP No.19647-19648/2022 are also unconnected to the subject property. It is further submitted that the CCLA was never made party to these cases. It is also submitted that Court of Wards on hearing the Applicants in NA2/95/2012 on 18.01.2020 has recorded that CCLA is in continuous supervision over the land.

6. It is further submitted that the orders passed by this Court in W.Ps. No.41272/2017, 16639/2020 and 18265/2021 dated 04.01.2023 for appointing the Receivers-cum-Commissioners to draw a final decree in C.S. No.7/1958 is also not connected to the subject property, as it is declared as Court of Wards Custody property in the Judgment in S.A. No.1118/1999 dated 24.03.2023.

7. It is further submitted that under Section 60 of the Court of Wards Act, all the successors of Syed Akbar Hussaini based on the Nizam Approved Succession in 1948, have come together and filed a suit for partition in O.S. No.703/2017 on the file of the XV Additional District Judge Ranga Reddy District at Kukatpally, which was decreed on 27.03.2019, wherein CCLA and Petitioner No.2 (Lorven

Projects Ltd) were made party to the said suit and by virtue of the decree dated 27.03.2019 in O.S. No.703/2017, in the latest succession for the subject property, wherein the parties succeeding to the subject property have authorized Petitioner No.2 (Lorven Projects Ltd) to be their Registered General Power of Attorney to execute the work, solve the litigations, encroachments, conduct legal proceedings to release the subject property from the Court of Wards.

8. It is further submitted that to protect the subject land from the third parties, Petitioner No.2 (Lorven Projects Ltd) filed an Injunction suit in O.S. No.477/2017 on the file of XV Additional District Judge, Kukatpally, wherein CCLA and Collector was also made parties to the said suit. In the said suit, the Court granted Injunction restraining the respondents/defendants, their men, agents and third parties from interfering with the peaceful possession of the subject property. The said order is in force as on date.

9. It is further submitted that though the Court of Wards (CCLA) is under statutory duty to issue Gazette Notification under Section 64 of the Court of Wards Act, which is mandatory, failed to issue the notification even after Judgment confirming the title of the Petitioners in S.A. No.1118/1999 dated 24.03.2023, even after receiving the Petitioner's application dated 15.05.2023 & 22.05.2023 and even after the High Court has confirmed that the subject property is under the Superintendence of the Court of Wards and the same is not of the Government and that the *lis* regarding the title and succession of the

subject property is concluded and the proceedings before the Court of Wards (CCLA) is being continuing more than nine decades despite there being the orders by the High Court two times, beginning from W.P. No.11357/2012 and W.P. No.18983/2018. The Court of Wards (CCLA) is a Quasi-judicial authority, however, it is acting in the interest of third parties to help them and is in violation of the Petitioners' rights guaranteed under Article 14, 21 and 300-A of the Constitution of India. Questioning the same, the petitioners filed the present writ petition.

10. Apart from the above, the petitioners, while reiterating the writ averments, also filed Additional Affidavit, *inter alia,* stating that the present writ petition was heard on 04.08.2023 and this Court directed the petitioners to submit their objections to the report filed by the Receivers-cum-Commissioners and incompliance of the said order, the petitioners filed this additional affidavit. It is further submitted that the legal heirs of the Akbar Hussaini have not only succeeded in proving their title to the subject property but also expressed their concern over the inaction of the respondent No.1 by filing writ petitions in W.P. Nos.11356/2012 and 18983/2023 for not releasing the subject property by duly issuing the notification under Section 64 as mandated under the provisions of the Court of Wards Act, 1350 Fasli. It is further submitted that on 06.07.2023 a detailed report was submitted to this Court by the Receivers-cum-Commissioners. In para 90.1 of the report held that *"It becomes clear from the perusal of*

*Judgment in S.A. No.111/1999 dated 24.03.2023, land admeasuring Acs.84.30 guntas in Sy.No.46, Raidurg is still under the Superintendence of Court of Wards and not released."* In para 95.2 of the Receivers-cum-Commissioners report held that "*Hence the order in Application No.1409/2003 dated 26.12.2003 passing final decree in respect of Item 234 (i.e. the subject property) of 'A' Schedule of the preliminary decree in C.S. No.7 of 1958 which is the basis for filing W.P. No.1729/2009, Contempt Case CC. No.217/2014, 33/2017, LPA. No.1/2018, SLP (C) No.24646-7/2018, RIA No.1/2020 and RIA No.3/2020 in LPA. No.1/2018 and C.A. No.33/2017 do not make the so called final decree holder entitle to claim ownership rights and title in respect of such properties and such orders do not bind the government or any party.*"

11. It is further submitted that the ownership claim over the subject property allegedly citing the assignment deed and therefore passing of the final decree in favour of the assignors was annulled and held that the assignees cannot claim ownership rights over the subject property, identified as item No.234 under Schedule 'A' of preliminary decree in C.S. No.7/1958 which was excluded in the preliminary decree itself. Further the report dated 06.07.2023 submitted by the Receiver-cum-Commissioners in C.S. No.7/1958, the judgment dated 24.03.2023 in Second Appeal No.1118/1999 (remanded by the Hon'ble Supreme Court) and the counter affidavit dated 09.08.2018 in W.P. No.18983/2018 by respondents 1 and 2 clearly clarifies that the

subject property is under the superintendence of Court of Wards belongs to late Syed Akbar Hussaini, not released till date.

12. On behalf of the respondents no counter affidavit has been filed.

13. At this juncture, it is significant to note that the Division Bench of this Court had closed the C.S. No.7 of 1958 on 09.01.2025. It is necessary to extract the relevant paras No.38, 39 and 40, which reads as under:

> "38. Learned counsel for the final decree holders in Appl.No.519 of 2009 has filed Additional Material Papers wherein a copy of the order of Commissioner of Survey Settlement – Inam releasing Maktha lands dated 30.12.1977 was enclosed. However, no document has been filed to the extent of release order pertaining to the lands in Schedule 'A' item Nos.230 to 254 mentioned in the preliminary decree. At this juncture, it is necessary to verify the list in 'A' Schedule of the preliminary decree. In the preliminary decree dated 06.04.1959, list of Maktas (under appeal with Revenue Board) are mentioned which are as follows:
>
> 230. Maktah Bahadur Ali
> 231. Maktah Ootapalli
> 232. Maktah Shivarampalli
> 233. Maktah Balapoor
> **234. Maktah Raidurg**
> 235. Maktah Sough Bowli
> 236. Maktah Somajiguda
> 237. Maktah Nawab (Sahah)
> 238. Maktah Mama Hamukunta
> 239. Maktah Bagh Kakgud

240. Maktah Hajialigud
241. Maktah Permit Shah Guda
242. Maktah Muzhar Guda
243. Maktah Bagh Mecca ahmoo
244. Maktah Amjad Nagar
245. Maktah Mohammed Nagar
246. Maktah Sangi Guda
247. Maktah Ali Sahab
248. Maktah Chitaguda
249. Maktah Yellakur
250. Maktah Yerwagua
251. Maktah Kol Bowli
252. Maktah Shamshiguda
253. Maktah Rai Samand E
254. Maktah Roshan Bowli

39. It is also striking to note that though the orders were passed by the Commissioner of Survey Settlement – Inam on 30.12.1977, the so called release of Makta lands was brought to the notice of this Court for the first time during the hearing of applications filed for passing of final decree and delivery of possession of those lands which have not been included in item Nos.230 to 254 of Schedule 'A' of preliminary decree. It is also pertinent to note that learned senior counsels appearing on behalf of the objectors placed heavy reliance on the said release order dated 30.12.1977. However, no proof of release of Makta lands pertaining to item Nos.230 to 254 is filed. It is also to be noted that when the order was passed way back in the year 1977, the concerned parties ought to have taken steps to include the extent of lands released if any, in item Nos.230 to 254 in Schedule 'A' of preliminary decree. The submissions in respect of such lands in item

> Nos 230 to 254 were made at the time of hearing objections to the report of receiver cum commissioner dated 06.07.2023.
>
> 40. As such, the submissions made on behalf of the objectors are unsustainable and in that view of the matter, it can safely be concluded that no lands are available for partition in item Nos.230 to 254 of Schedule 'A' attached to the preliminary decree. In the absence of preliminary decree for item Nos.230 to 254 in Schedule 'A', no final decree could have been passed. Therefore, reports filed earlier are without proper verification, are fictitious and the same are treated as nullity and are hereby rejected. Accordingly point Nos.1, 2 and 3 are answered against the objectors.

14. From the above, it is clear that the subject property is at Sl.No.234 Maktha Raidurg in Schedule 'A' of preliminary decree dated 06.04.1959, which is not released in favour of the parties in C.S. No.7 of 1958 and is not available for partition. It is to be noted that the petitioners herein are not the parties in C.S. No.7 of 1958 proceedings. Further, no documents have been filed to the extent of release order pertaining to the land in respect of Item Nos.230 to 254 Schedule 'A' mentioned in the preliminary decree. Since the parties are pursuing the subject matter with the respondent No.1, at this stage, no mandamus can be issued as prayed for in the present writ petition and the petitioners may seek appropriate remedy as available under law.

15. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

**To,**

1. The Chief Commissioner of Land Administration (Court of Wards), Government of Telangana, Opp. Annapurna Hotel, Nampally Road, Abids, Hyderabad, represented by its Chief Commissioner.
2. The Principal Secretary, Revenue Department, Secretariat, State of Telangana, Hyderabad.
3. The District Collector, Ranga Reddy District, At Integrated District Office Complexes, Kongara Kalan Village, Ibrahimpatnam Mandal, Ranga Reddy District, Telangana 501510.
4. One CC to SRI H.RAJESH KUMAR, Advocate. [OPUC]
5. Two CCs to ADDITIONAL ADVOCATE GENERAL, High Court for the State of Telangana. [OUT]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
7. Two CD Copies.

BSK

BS

HIGH COURT

DATED:21/03/2025

ORDER

WP.No.15956 of 2023




DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(11)

25/3/25