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: 31508 OF 2018

Between:

Mr. Rajesh Agarwal, S/o. Late Satyanarayana Agarwal, Occ - Business, aged about 48 years, Resident of 8-2-415, Signature One, Block B- B3, Road No. 4, Banjara Hills, Hyderabad - 500034

...PETITIONER

AND

1. State of Telangana, Represented by the Principle Secretary (Revenue) Secretariat, Hyderabad
2. The Special Chief Secretary, Revenue Department Government of Telangana Hyderabad
3. Commissioner of Survey, Settlement and Land Records (Jagir Administrators Wing) Survey Bhavan, Narayanguda, Hyderabad
4. State Bank of india, (formerly State Bank of Hyderabad) Gunfoundary Branch, Abids, Hyderabad Represented by Bank Manager
5. Mohd. Zakir Osman, S/o. Late Mohd Osman Aged 48 years, resident of 13-3-43/1/2, Mustaidpura Hyderabad, Telangana
6. Sukesh Gupta, S/o. Prakash Chand Gupta Aged 44 years resident of 5-9-45, Basheerbag, Hyderabad, Telangana

   (WP IS DISMISSED AS WITHDRAWN AGAINST RESPONDENT NOS.5&6 ONLY AS PER COURT ORDER DATED 22/10/19.)

...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 a writ, order or direction more particularly in the nature of Writ of Mandamus or any other appropriate writ, and (i) Directing the Respondent No. 1-4 to release the five sealed jewellery boxes deposited with the Respondent No. 4 in safe deposit boxes being (1) 20/57-102 dated 5 July 1961. (ii) 21/24 -160 dated 31 July 1962. (iii) 22/17-172 dated 10 June 1963. (iv) 45812 dated 8 April 1976 and

(v) 70058 dated 24 April 1980 jointly, in the presence of the Petitioner and other eligible owners and not to the release the Subject Property or any part thereof, without the consent or approval of the Petitioner.

IA NO: 1 OF 2023

Between:

1. Nawab Mohammed Fakruddin Khan @ Shaik Mohammed Faqheruddin Khan, S/o. Late Mohammed Lateefuddin Khan, aged about 73 years, R/o H.No. 8-2-603/2/C, Road No.10, Banjara Hills, Hyderabad.
2. Janaba Nikhatunnisa Begum, D/o. Late Ahmeduddin Khan, aged about 56 years, Occ: Household, R/o. 14-10-72, H.no. 11-5-464, Mughal Merion Apartment Flat No.201, red hills, Hyderabad-500 004.

...PETITIONERS/PROPOSED RESPONDENTS 7&8

AND

1. Mr. Rajesh Agarwal, S/o. Late Satyanarayana Agarwal, Occ - Business, aged about 48 years, Resident of 8-2-415, Signature One, Block B- B3, Road No. 4, Banjara Hills, Hyderabad – 500034

...RESPONDENT/WRIT PETITIONER

2. State of Telangana Represented by the Principle Secretary (Revenue) Secretariat, Hyderabad
3. The Special Chief Secretary, Revenue Department Government of Telangana Hyderabad
4. Commissioner of Survey, Settlement and Land Records (Jagir Administrators Wing) Survey Bhavan, Narayanguda, Hyderabad
5. State Bank of Hyderabad, (formerly State Bank of Hyderabad) Gunfoundary Branch, Abids, Hyderabad Represented by Bank Manager
6. Mohd. Zakir Osman, S/o. Late Mohd Osman Aged 48 years, resident of 13-3-43/1/2, Mustaidpura Hyderabad, Telangana
7. Sukesh Gupta, S/o. Prakash Chand Gupta Aged 44 years resident of 5-9-45, Basheerbag, Hyderabad, Telangana

   (WP IS DISMISSED AS WITHDRAWN AGAINST RESPONDENT NOS.5&6 ONLY AS PER COURT ORDER DATED 22/10/19.)

...RESPONDENTS/RESPONDENTS 1 TO 6

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 permit the petitioners to implead the proposed respondents 7 and 8 as party respondents 7 and 8 in W.P.No.31508 of 2018 as well as IAs, in the interest of justice

IA NO: 2 OF 2023

Between:

Vicarunissa Begum W/o Laeeq Iqbal and D/o Late Muntajib Uddin Khan and Late Sultan Jahan Begum, aged 65 years, R/o Bungalow No.215, Gym Khana Road, Mudfort, Secunderabad, Occ: House Hold.

...PETITIONER/PROPOSED R-7

AND

1. Mr. Rajesh Agarwal, S/o. Late Satyanarayana Agarwal, Occ - Business, aged about 48 years, Resident of 8-2-415, Signature One, Block B- B3, Road No. 4, Banjara Hills, Hyderabad - 500034
2. The State of Telangana, Represented by the Principle Secretary (Revenue) Secretariat, Hyderabad
3. The Special Chief Secretary, Revenue Department Government of Telangana Hyderabad
4. Commissioner of Survey, Settlement and Land Records (Jagir Administrators Wing) Survey Bhavan, Narayanguda, Hyderabad
5. State Bank of Hyderabad, (formerly State Bank of Hyderabad) Gunfoundary Branch, Abids, Hyderabad Represented by Bank Manager
6. Mohd. Zakir Osman, S/o. Late Mohd Osman Aged 48 years, resident of 13-3-43/1/2, Mustaidpura Hyderabad, Telangana
8. Sukesh Gupta, S/o. Prakash Chand Gupta Aged 44 years resident of 5-9-45, Basheerbag, Hyderabad, Telangana

...RESPONDENTS/RESPONDENTS

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 pass an order impleading the petitioner/proposed Respondent No 7 as the 7th Respondent in the subject writ petition and all the pending Interlocutory applications

IA NO: 1 OF 2018

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 stay the release of the Subject Property, being the five sealed Jewellery Boxes

IA NO: 2 OF 2018

Between:

Mohd. Zakir Osman, S/o. Late Mohd Osman Aged 48 years, resident of 13-3-43/1/2, Mustaidpura Hyderabad, Telangana

...PETITIONER/5TH RESPONDENT

AND

1. Mr. Rajesh Agarwal, S/o. Late Satyanarayana Agarwal, Occ - Business, aged about 48 years, Resident of 8-2-415, Signature One, Block B- B3, Road No. 4, Banjara Hills, Hyderabad – 500034

...RESPONDENT/WRIT PETITIONER

2. The Principle Secretary, State of Telangana, Revenue Department, Secretariat, Hyderabad
3. The Special Chief Secretary, State of Telangana, Revenue Department Government of Telangana Hyderabad
4. Commissioner of Survey, Settlement and Land Records, State of Telangana (Jagir Administrators Wing) Survey Bhavan, Narayanguda, Hyderabad
5. The Bank Manager, State Bank of India (formerly State Bank of Hyderabad) Gunfoundary Branch, Abids, Hyderabad
7. Sukesh Gupta, S/o. Prakash Chand Gupta Aged 44 years resident of 5-9-45, Basheerbag, Hyderabad, Telangana

...RESPONDENTS

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 vacate the interim orders passed in W.P.No. 31508/2018 dated. 31.08.2018

IA NO: 3 OF 2018

Between:

Sukesh Gupta, S/o. Prakash Chand Gupta Aged 44 years resident of 5-9-45, Basheerbag, Hyderabad, Telangana

...PETITIONER/6TH RESPONDENT

AND

1. Mr. Rajesh Agarwal, S/o. Late Satyanarayana Agarwal, Occ - Business, aged about 48 years, Resident of 8-2-415, Signature One, Block B- B3, Road No. 4, Banjara Hills, Hyderabad – 500034

...RESPONDENT/WRIT PETITIONER

2. The Principal Secretary, State of Telangana, Revenue Department Secretariat, Hyderabad

...RESPONDENT/WRIT PETITIONER

2. The Principal Secretary, State of Telangana, Revenue Department Secretariat, Hyderabad

3. The Special Chief Secretary, State of Telangana, Revenue Department Government of Telangana Hyderabad

4. Commissioner of Survey, Settlement and Land Records (Jagir Administrators Wing) Survey Bhavan, Narayanguda, Hyderabad

5. The Bank Manager, State Bank of India, (formerly State Bank of Hyderabad) Gunfoundary Branch, Abids, Hyderabad

6. Mohd. Zakir Osman, S/o. Late Mohd Osman Aged 48 years, resident of 13-3-43/1/2, Mustaidpura Hyderabad, Telangana

...RESPONDENTS/RESPONDENTS 1 TO 4&5

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 vacate the interim orders passed in W.P.No. 31508/2018 dated. 31.08.2018

IA NO: 4 OF 2018

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 may kindly be granted the leave to bring on record the material particulars and supporting documents, by way of this additional affidavit, which shall clarify the nature of the property involved in the present writ, the ownership of the same and right, title and interest of the Petitioner and pass

IA NO: 5 OF 2018

Between:

1. Khursheedunnisa Begum,
   D/o. Late Nawab Fazaluddin Khan, Aged about 51 years
   R/o. H.No.215/A, Mudfort,
   Secunderabad.

2. Mohd. Ghousuddin Khan
   S/o. Late Nawab Fazaluddin Khan
   aged abt. 64 yrs, R/o 8-2-322/R/1,
   Rd no 14, Banjara Hills, Hyderabad-34

3. Baderunnisa Begum,
   D/o. Late Nawab Fazaluddin Khan
   Aged 50 yrs, R/o.8-2-603/M/1, Rd. No. 10,
   Banjara Hills, Hyd- 34.

4. Salik Kutubuddin Khan S/o. Late Nawab Kutubuddin Khan
   Residing at Paigah House Colony, Begumpet , Secunderabad.

Petitioners/prop. Respondent 7 – 10

AND

1. Mr. Rajesh Agarwal, S/o. Late Satyanarayana Agarwal, Occ - Business, aged about 48 years, Resident of 8-2-415, Signature One, Block B- B3, Road No. 4, Banjara Hills, Hyderabad – 500034

...PETITIONER

2. The State of Telangana, Represented by the Principle Secretary (Revenue) Secretariat, Hyderabad
3. The Special Chief Secretary, Revenue Department Government of Telangana Hyderabad
4. Commissioner of Survey, Settlement and Land Records (Jagir Administrators Wing) Survey Bhavan, Narayanguda, Hyderabad
5. State Bank of Hyderabad, (formerly State Bank of Hyderabad) Gunfoundary Branch, Abids, Hyderabad Represented by Bank Manager
6. Mohd. Zakir Osman, S/o. Late Mohd Osman Aged 48 years, resident of 13-3-43/1/2, Mustaidpura Hyderabad, Telangana
7. Sukesh Gupta, S/o. Prakash Chand Gupta Aged 44 years resident of 5-9-45, Basheerbag, Hyderabad, Telangana

...RESPONDENTS/RESPONDENTS

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 implead the proposed respondents 7 to 10 herein as respondent Nos. 7 to 10 in the above W.P. No. 31508 of 2018 in the interest of Justice

IA NO: 1 OF 2019

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 extend the interim orders dated 31-08-2018 in I.A.No.1 of 2018 in W.P.No. 31508 of 2019 until further orders pending disposal of the above Writ Petition in this Hon'ble Court

Counsel for the Petitioner: SRI. DUVVA PAVAN KUMAR
Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE
Counsel for the Respondent No.4: SRI M. SRIKANTH REDDY SC FOR SBI
Counsel for the Respondent No.5: SRI H. VENUGOPAL
Counsel for the Respondent No.6: SRI T. SUDHAKAR REDDY
Counsel for the Proposed Respondent: SRI RAKESH SANGHI
Counsel for the Proposed Respondent Nos: SRI THANNIRU SRINIVAS
Counsel for the Proposed Respondent Nos: SRI T.K. SRIDHAR
The Court made the following: ORDER

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
&
THE HON'BLE SRI JUSTICE N.V. SHRAVAN KUMAR

Writ Petition No.31508 of 2018

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

This writ petition is filed seeking a direction to respondent Nos.1 to 4 to release the five sealed jewellery boxes deposited with respondent No.4 in safe deposit boxed being (i) 20/57-102 dated 05.07.1961; (ii) 21/24-160 dated 31.07.1962; (iii) 22/17-172 dated 10.06.1963 and (iv) 45812 dated 08.04.1976 and (v) 70058 dated 24.04.1980 (subject property) jointly, in the presence of the petitioner and other eligible owners and not to release the subject property or any part thereof, without the consent or approval of the petitioner.

2. The facts giving rise to filing this writ petition as stated are that one Late Nawab Zahir Yar Jung (Jagirdar) was the absolute owner and was in possession of several movable and immovable properties including various antique jewellery. While so, on 19.04.1952, at the Bombay Airport, when the said Jagirdar was carrying five sealed boxes of such jewellery with him, he was held by the Bombay Airport Customs Authorities and by way of Panchanama and Memorandum bearing

C.No.3419/52 dated 13.05.1952 the subject property was seized by the Bombay Airport Customs Authority. Subsequently, the said jewellery boxes were handed over to the Jagir Administrator, Hyderabad by the Collector of Customs, Bombay and inturn these jewellery boxes were deposited with respondent No.4/Bank, Gunfoundry Branch, Abids, Hyderabad for safe custody on different date in the following lockers:

(i) 20/57-102 dated 05.07.1961;

(ii) 21/24-160 dated 31.07.1962;

(iii) 22/17-172 dated 10.06.1963

(iv) 45812 dated 08.04.1976 and

(v) 70058 dated 24.04.1980.

3. Thereafter, in due course of time, one Ahmed Miya and Khader Hussain sons of Late Ahmed Hussain, r/o. Hyderabad purchased the jewellery boxes from the jagirdar and his wife Azmatunnisa Begum under registered assignment deed bearing Doc.No.654 of 1958 dated 11.08.1958 before the District Registrar, Hyderabad. Accordingly, they have filed Application in Appl.No.104 of 1963 in C.S.No.7 of 1958 before this Court for release of the jewellery boxes. This Court *vide* order dated 28.06.1963 directed release of jewellery boxes. While things stood thus, the said Ahmed Miya and Khader Hussain

transferred their rights over the jewellery boxes by issuing a registered General Power of Attorney bearing No.293/IV/2016 dated 21.06.2006 in favour of respondent No.5 to undertake all necessary actions in connection with release of the jewellery boxes from the Government. Subsequent to the execution of the GPA, respondent No.5 filed application in Appl.No.774 of 2014 in C.S.No.7 of 1958 wherein by way of final decree dated 13.06.2014, Sri Ahmed Miya and Sri Khader Hussain were declared as the owners of the jewellery in the ratio of 50:50. It is submitted that final decree was not challenged and the same has become final. Thereafter, respondent No.5 filed an application for release of the subject property before respondent No.3 and respondent No.3 *vide* endorsement dated 17.10.2015 directed respondent No.5 to approach the appropriate authority.

4. Aggrieved by the said endorsement, respondent No.5 preferred a Revision Petition before respondent No.1 on 18.03.2016 and respondent No.1 *vide* order dated 24.06.2016 called for a detailed report from respondent No.3. Accordingly, respondent No.3 addressed a letter to the concerned Government Pleader for Revenue with a request to confirm whether the order passed in Appl.No.104 of 1963 in C.S.No.7 of 1958 dated 28.06.1963 was genuine. As such, the learned

Government Pleader confirmed the aforesaid order as genuine by letter dated 26.05.2016. Thereafter, there were no developments with regard to the release of jewellery boxes. Subsequently, respondent No.5 filed a writ petition in W.P.No.1751 of 2017 before this Court to declare the inaction of respondent Nos.1 and 3 in passing necessary orders in respect of the application dated 18.03.2016. This Court disposed of the said writ petition with a direction to respondent Nos.1 and 3 to pass appropriate orders on the revision petition within a period of three (3) months.

5. It is submitted that respondent No.5 thereafter was unable to pursue and follow up the matter and bear the expenses and approached respondent No.6 for administrative and monetary help. In view thereof, petitioner and respondent Nos.5 and 6 have entered into Memorandum of Understanding on 03.10.2016 wherein petitioner and respondent No.6 agreed to be the facilitators to help respondent No.5 to pursue the release of jewellery boxes. As per the MoU, it is agreed that petitioner will be entitled to 50% of share of respondent No.6 in the jewellery boxes i.e., 37.5% of the total jewellery and in case of physical distribution of the jewellery boxes, the same is agreed to be distributed in the same ratio as agreed upon on the basis of the valuation done by approved valuer.

6. Thereafter, respondent No.1 issued directions in favour of respondent No.2 for releasing of the jewellery boxes. In the said background, petitioner had brought to the notice of respondent Nos.1 and 2 about the execution of MoU and his entitlement and share in the jewellery boxes. However, respondent Nos.1 and 2 have not taken any action in releasing of the said jewellery boxes. As such, petitioner has filed a Civil Suit for grant of perpetual injunction before the Civil Court against respondent Nos.5 and 6 and the same is pending for consideration, and also petitioner, in order to safeguard the interest, submitted a letter dated 29.08.2018 with respondent No.1 to pass appropriate orders for release of the jewellery boxes. As there was no response from respondent No.1, petitioner issued a legal notice by way of e-mail on 30.08.2018. Apprehending that respondent Nos.1 and 2 may not consider the representation of the petitioner, the present writ petition is filed.

7. We have heard learned counsel on either side and perused the material available on record.

8. This Court *vide* its order dated 22.10.2019, dismissed the present writ petition as withdrawn against respondent Nos.5 and 6. The petitioner herein at no point of time had filed any

objections at the time of final hearing of the suit in C.S.No.7 of 1958 and also there is no mention about the subject jewellery boxes in the memorandum of compromise. Even in the preliminary decree dated 06.04.1959 also there is no mention about the subject jewellery boxes, as such the same is not available for release. More so, the present writ petition was dismissed as withdrawn against respondent Nos.5 and 6. The subject matter in the present writ petition was elaborately held in W.P.No.31506 of 2018.

9. In the case on hand, the issue pertains to the dispute in Memorandum of Understanding entered into between the petitioner and respondent Nos.5 and 6, dated 03.10.2016 and the writ petition was dismissed as withdrawn against respondent Nos.5 and 6. As such the petitioner has to pursue his remedies elsewhere as available under law and not in the present writ petition filed under Article 226 of Constitution of India.

10. In view of all the observations made above, the prayer sought for in the writ petition is mis-conceived and the writ petition itself is devoid of merits and fails and accordingly stands dismissed.

Miscellaneous applications, pending if any, shall stand closed. No order as to costs.

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

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. DUVVA PAVAN KUMAR Advocate [OPUC]
2. One CC to SRI M. S0.RIKANTH REDDY SC FOR SBI [OPUC]
3. One CC to SRI H. VENUGOPAL Advocate [OPUC]
4. One CC to SRI T.K. SRIDHAR Advocate [OPUC]
5. One CC to SRI THANNIRU SRINIVAS Advocate [OPUC]
6. One CC to SRI RAKESH SANGHI Advocate [OPUC]
7. One CC to SRI M. SRIKANTH REDDY SC FOR SBI [OPUC]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
9. Two CD Copies

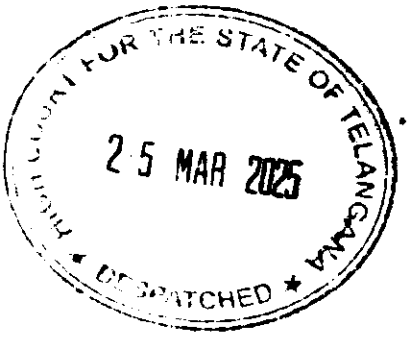
KKS
BS

HIGH COURT

DATED:21/03/2025

ORDER

WP.No.31508 of 2018



DISMISSING THE WRIT PETITION WITHOUT COSTS

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