IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
THURSDAY ,THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE
PRESENT
THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
And
THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

Application No. 1234 of 2015 in/and 803 of 2014
In
C.S. NO: 7 OF 1958

Application No. 1234 of 2015

Between:

1. Nawab Naseeruddin Khan S/o Late Badruddin Khan,
   Aged: 63 Yrs.,Occ: Land Lord, R/o H.No: 10-21-375,
   Laxmi Garden, West Maared Pally, Secunderabad.

2. Janab Ameerunissa Begum D/ Late Badruddin Khan and
   W/o Meer Jaffer Ali Khan, aged: 68 Yrs., Occ: Household,
   R/o H.No: 3-5-782/52/1/c, King Koti, Pardagate, Hyderabad.

3. Janaba Qamarunnisa Begum D/o Late Nawab Badruddin Khan,
   Aged: 56 Yrs., Occ: Household, R/o 1-8-506/55, New Prakash
   Nagar Colony, Begumpet, Hyderabad.

(Legal heirs of Late Nawab Badrudcin Khan S/o Late Nawab Moin-ud-Dowla, Defendant No.11 in C.S.7/1958)

All the three applicants are represented by their GPA , M/s MGD CONSTRUCTION COMPANY rep., by it's Managing Director, Mr. Mohammed Gayasuddin S/o Mohd. Ibrahim Saheb, age: 62 Yrs., Occ: Business, R/o 4-1-6, Flat No.204, Ramkote, Hyderabad- 500001.(T.S.)

.....APPLICANTS/1 .Rs., of Def.No.11.

AND

1. Janaba Parwarish Unnisa Begum D/o Late Nawab Mohd. Mazharuddin Khan, aged: 66 Yrs., Occ: Land Lady, R/o Mumtaz Mansion, Lakdi-ka-Pul, Hyderabad.

2. Janaba Qamarunnisa Begum D/o Late Nawab Mhd. Mazharuddin Khan, Aged: 65 Yrs., Occ: Land Lady, R/o Bellmount, 6-3-597/A, Banjara Hills, Besides Bhaskara Palace, Hyderabad.

3. Janaba Viqarunnisa Begum D/o Late Nawab Mohd. Mazharuddin Khan, Aged: 60 Yrs., Occ: Land Lady, R/ H.N: 33/A/4, Block, Coramangala, Bangalore- 560 034 (K.S.).

(Legal heirs i.e., Daughters of Late Nawab Mazharuddin Khan S/o Late Nawab Moin-ud-Dowla, Defendant No.2 in C.S. 7/1958.)

4. Nawab Mohd. Sahabuddin Khan S/o Lae Nawab Basheer Jung Bahadur, aged: 65 Yrs., Occ: Service, R/o 10-3-304, Humayun Nagar, Hyderabad.

5. Nawab Shahiduddin Khan S/o Late Nawab Basheer Jung Bahadur, aged: 61 Yrs., Occ: Service, R/ 10-3-304, Humayun Nagar, Hyderabad.

6. Siddiqa Sultana Begum W/o Late Nawab Sirajuddin Khan, Aged: 53 Yrs., Occ: Land Lady, R/o 10-3-304, Humayun Nagar, Mountview, Hyderabad.

7. Janaba Fatima Khan D/o Late Nawab Mhd. Sirajuddin Khan, Aged: 25 Yrs., Occ: Student, R/ 10-3-304, Humayun Nagar, Mountview, Hyderabad.

8. Nawab Mhd. Sabir Luthfuddin Khan S/o Late Mohd. Sirajuddin Khan, aged: 24 Yrs., Occ: Student, R/o 10-3-304, Humayun Nagar, Mountview, Hyderabad.

9. Nawab Mohd. Nizamuddin Khan S/ Late Nawab Mohd. Basheer Jung, aged : 40 Yrs., R/o 4-14-75/A, Hasan Nagar, Hyderabad.

Sons and Daughters of Late Nawab Basheer Jung S/ Late Nawab Min-ud-Dowla, Defendant No.3 in C.S. 7/1958.

10. Nawab Mohd. Shamshuddin Khan S/o Late Nawab Mohd. Lateefuddin Khan, aged : 64 Yrs., Occ: Business, R/o Serenade, 11-5-416/1, Red Hills, Hyderabad- 500 004.

11. Janaba Haleeb Unissa Begum D/o Late Nawab Mohd. Lateefuddin Khan, aged: 61 Yrs., cc: Housewife, R/o 508, Kushal Towers, Khairatabad, Hyderabad.

12. Janaba Mehboob Unissa Begum D/o Late Nawab Mohd. Lateefuddin Khan, aged 60 Yrs., Occ: Landlady, R/o 402, Indralok Apartments Road, Banjara Hills, Hyderabad – 500 034.

Sons and Daughters of Late Nawab Lateefuddin Khan Defendant No.4 in C.S.7/1958.

13. Janab Ghousunissa Begum D/o Late Mohd. Iftakharuddin Khan, Aged: 65 Yrs., cc: Landlady, R/o 1-1-167/1, Maruthi Nagar, Champapet, Hyderabad – 500 060.

14. Nawab Mhd Qamaruddin Khan S/ Late Nawab Mhd. Iftakharuddin Khan, aged: 54 Yrs., Occ: Landlord, R/o 17-1-365, Asmanjahi Tombs, Santoshnagar, Hyderabad.

15. Janaba Shukaturnissa Begum D/o Late Nawab Mohd. Iftakharuddin Khan, aged: 62 Yrs., Occ: Landlady, R/o 5-90-246/1, Chirag Ali Lane, Hyderabad.

16. Nawab Mhd. Akbaruddin Khan S/o Late Nawab Mohd. Iftakharuddin Khan, aged: 58 Yrs., Occ: Land Lord, R/o 17-30/4/1, Ramchandra

Nagar, Eidi Bazar, Hyderabad.

17.JanabKhjairunnissa Begum D/o Late Nawab Mhd. Iftakharuddin Khan, Aged: 56 Yrs., occ: Landlady, R/ Khalandar Nagar, Santosh Nagar, Ranga Reddy District, Hyderabad.

Sons ad Daughters of Late Nawab Mohd. Iftakharuddin Khan S/o Late Nawab Moin-ud-Dowla, Defendant No.5 in C.S.7/1958.

18.Janaba Afzalunnissa Begum W/o Late Nawab Mhd. Ahmeduddin Khan, Aged: 71 Yrs., Occ: Housewife, R/o Saleem Nagar Colony, opp: Farhat Nursing Home, Hyderabad.

19.Janaba Hameedunnissa Begum D/o Late Nawab Mohd. Ahmeduddin Khan, aged: 54 Yrs., Occ: Landlady, R/o Saleem Nagar Colony, Opp: Farhat Nursing Home, Hyderabad.

20.Nawab Mohd. Khaja Moinuddin Khan S/o Nawab Mohd. Ahmeduddin Khan, aged: 52 Yrs., Occ: Landlord, R/o 8-3-234/99/1, L.N.Nagar. Yousufguda, Hyderabad.

21.Nawab Mohd. Nizamuddin Khan S/o Late Nawab Mohd. Ahmeduddin Khan, Agefd: 41 Yrs., Occ: Landlord, R/o 19-2-137/B/106, Kala Pathar, Old City, Hyderabad.

22.Janaba Yousufunnisa Begum D/o Late Nawab Mohd. Ahmeduddin Khan, Aged: 41 Yrs., Occ: Land Lady, R/o 19-2-137/B/106, Bilal Nagar, Kala Pathar, Old City, Hyderabad.

23.Janab Hasiib unissa Begum D/o Late Nawab Mhd. Ahmeduddin Khan, Aged: 39 Yrs., Occ: Land Lady, R/o H.No; 19-2-21/9/A/1/1, Kala pathar, Old City, Hyderabad.

24.Nawab Mohd. Rafiuddin Khan S/o Late Nawab Mohd. Ahmed Uddin Khan,aged: 38 Yrs., cc: Land Lord, R/o Saleem Nagar Colony, Opp: Farhat Nursing Home, Hyderabad.

25.Janaba Nikathunissa Begum D/o Late Nawab Mohd. Ahmeduddin Khan, aged: 35 Yrs., Occ: Housewife, R/o Masab Tank, Hyderabad.

Sons and daughter of Late Nawab Mohd. Ahmeduddin Khan S/o Late Nawab Moin-ud-Dowla, Defendant no.6 in C.S.7/1958.

26.Smt. Basheer Banu W/o Late Nawab Mohd. Afsaruddin Khan, aged; 59 Yrs., Occ: Housewife, R/o 16-2-770/1, Sankasar Bazar, Gaddiannaram, Ranga Reddy District.

27.Viqar Banu D/oLate Nawab Mhd. Afsaruddin Khan, aged: 26 Yrs., Occ: Housewife, R/ 16-2-770/1, Sankasar Bazar, Gaddiannaram, R.R.Dist.,

28.Nawab Mhd. Jl angiruddin Khan S/o Late Nawab Mohd. Afsaruddin Khan, Aged :22 Yrs., Occ: Student, R/o 16-2-770/1, Sankasar Bazar, Gaddiannaram Ranga Reddy District.

Sons and Daughters of Late Nawab Mohd. Afsaruddin Khan S/o Late Nawab Moin-ud-Dowla, Defendant No.7 in C.S.7/1958.

29.Nawab Mohd. Iqbaluddin Khan (Defendant No.8 in C.S.7/1958) S/o Late Nawab Moin-ud-Dowla, aged: 82 Yrs., Occ: Landlord, R/o 3-74, Road No.9, Venkatekshwara Co ony, Saroor nagar, Ranga Reddy Dist., Hyderabad.

30.Smt. Fareedunnisa Begum W/o Late nawab Mohd. Wajijuddin Khan, Aged: 74 Yrs., Occ: Housewife, R/ 4-75/A, Katedan, Shivrampally, Ranga Reddy D strict, Hyderbad.

31.Janaba Viqarunnissa Begum D/o Late Nawab Mohd. Wajihuddin Khan, Aged: 52 Yrs., Occ: Housewife, R/o P.Box 515555. Dubai, UAE.

32.Nabad Mohd. Afzaluddin Khan S/o Late Nawab Mohd. Wajihjuddin Khan, Aged:51 Yrs., Occ: Busiess, R/o Bahadurpura, Hyderabad.

33.Janaba Sayeedunisa Begum D/o Late Nawab Wajihuddin Khan, Aged: 47 Yrs., Occ: Housewife, R/o Uddamgadda, Ranga Reddy Dist.,

34.Nawab Mhd. Moinuddin Khan S/o Late Nawab Mohd. Wajihuddin Khan, aged: 42 Yrs., Occ: Business, R/o 4-75/A, Katedan, Shivrampally, Ranga Reddy Dist.,

35.Nawab Mohd. Asifuddin Khan S/o Late Nawab Mohd. Wajihuddin Khan, aged: 34 Yrs., Occ: Business, R/o 4075/A, Kattedan, Shivrampally, Ranga Reddy District.

Sons and Daughters of Late nawab Mhd. Wajihuddin Khan S/o Late Nawab Min-ud-Dowla, Defendant No.9 in C.S.7/1958.

36.Nawab YOusufuddin Khan S/o Late Nawab Bahauddin Khan, aged: 61 Yrs., Occ: Service, R/o Asifnagar, Hyderabad.

Son of Late Nawab Bahauddin Khan S/o Late Nawab Moin-ud-Dowla, Defendsant No.10 in C.S.7/1958.

37.Nawab Mohd. Jalaluddin Khan (Defendant No.12 in C.S.7/1958) S/o Late Nawab Moin-ud-Dowla, aged: 75 Yrs., Occ: Land Lord.

38.Nawab Mohd. Haziuddin Khan (Defendant No.14 in C.S.7/1958) S/o Lalte Nawab Moin-ud-Dowla, aged: 70 Yrs., Occ: Landlord, R/o 8-2-686/16/id/2 Banjara Hills, Road No.12, Hyderabad.

39.Nawab Mhd. Warisuddin Khan (Defendant no.15 in CS.7/1958) S/o Late Nawab Moin-ud-Dwla, aged: 69 Yrs., Occ: Land Lord, R/o 8-2-686/id/2, Banjara Hills, Road No. 12, Hyderabad.

40.Janaba Laiqs Unissa Begum (Defendatn No.17 in CS.7/1958) D/o Late Nawab Moi8n-ud-Dowla, aged: 88 Yrs., Occ: Landlady, R/o 5-9-246/1, Chirag Ali Lane, Abids, Hyderabad.

41.Janaba Zeenmath Unissa Begum D/o Late Izzathunissa Begum, Aged: 52 Yrs., Occ: Landlady, R/o 12-2-709/C/153, Padma Nagar Colony, Toli Chowki, Hyderabad.

42.Janaba Zeenath Unissa Begum D/o Late Izzathunissa Begum, Aged: 51 Yrs., cc: Landlady, R/ 10-2-310, Bazar Ghat, Vijaya Nagar Colony, Mallepally, Hyderabad.

43.Janaba Liaqathunissa Begum W/o Late Izzathunissa Begum, aged: 49 Yrs., Occ:Housewife, R/o 9-4-77/3/1, Tolichowki, Hyderabad.

Daughters of Late Izzatunissa Begum D/o Moin-ud-Dowla, defenda no.18 in C.S.7/1958.

44.Janaba Iftekhar Unissa Begum (Defendant no.19 in C.S.7/1958) D/o Late Nawab Moin-ud-Dowla, aged: 72 Yrs., Occ: Landlady, R/ 9-4-84/99, Plot No:99, Kakatiya Nagar, Tolichowki, Hyderabad.

45.Janaba Malika Jahan Begum (Defendant No.20 in CS 7/1958) D/o Late Nawab Moin-ud-Dowla, aged: 71 Yrs., Occ: landlady, R/ 23-1-213, Andheri Gali, Kotla Alija, Hyderabad.

46.Janaba Dawood Unissa Begum (Defendant No.22 in CS.7/1958) D/o Late Nawab Moin-ud-Dowla, aged: 65 Yrs., Occ: Landlady, R/o SRT, 198, Chandulal Baradari, Hyderabad.

47.Jagir Administrator, Govt., of Andhra Pradesh (at present Govt., of Telangana), IV Floor, Gagan Vihar, Gandhi Bhavan, Hyderabad- T.S.,

48.Principal Secretary to Government, Revenue Department, Govt., f Andhra Pradesh (at Present Telangana) Secretariat Building, Tank Bund, Hyderabad.

49.District Collector, Hyderabad, Nampally, Hyderabad.

50.District Collector, Ranga Reddy District, Lakdi-ka-pul, Hyderabad.

51.Tahasildar (Mandal Revenue Officer), Saroor nagar Mandal, Ranga Reddy District.

....**Respondents/Defendants.**

52.Sri. M.A. Bari, Receiver-cum-Commissioner, H.No: 11-3-627, Mosque Road, New Mallepally, Hyderabad.

53.Sri. B. Shyam Sunder Rao, Receiver-cum-Commissioner, H.No: 11-3-627, Mosque Road, New Mallepally, Hyderabad.

.....**Respondents/Receiver-cum-Commissioners.**

(R.1 to R.47 are not necessary parties to the Application)

Application Under Order 20 Rule 18 R/w. Section 151 of Code of CPC praying that for the reasons stated in the affidavit accompanying application, it is that this Hon'ble Court may be pleased to pass an order directing the respondents No. 48 to 51 & other on their behalf no to make any construction or all schedule property .

Petition Schedule of Suit Property:

All that piece and parcel of land of Ac. 8-23 gts., (Out of Ac. 30-27 gts) + 12000 sq.yds., or 10033.52 Sq. Meters in "A" Portion & 29500 Sq. Yds., or 24665.75 Sq. Mtrs., in "B" Portion forming a complete portion of one among 5 places in a compact area of Ac. 30-27 gts., bearing M.C.No. 2-87, situated at Saroor Nagar Village & Mandal, Ranga Reddy District and made parto f item No. 9 of Schedule "A" and item No. 8 of Schedule "F" of Suit schedule of properties in Preliminary decree dated 6-4-1959 in C.S.No. 7 of 1959 and bounded by:

"A" Portion

North: Land of another place in M.C. No. 2-87 & some part in "B" Portion on two ends.
South: Land of "B" Portion
East: Land of "B" Portion
West: Land of 'B' Portion

"B" Portion

North: Land of another place in M.C. No. 2-87 & some part in "A" Portion on two ends.
South: Road
East: Road
West: Road

As per the plan annexed hereto, till final disposal fo the final decree petition in Application No. 503 of 2013 in C.S. No. 7 of 1959 in the interest of justice.

Counsel for the Applicants :SRI. MOHD NAVEED GHIYASUDDIN

Counsel for the Respondent No. 48 to 51 : SRI MOHAMMED IMRAN KHAN, THE ADVOCATE GENERAL

Counsel for the Respondent Nos. 52 and 53 : SRI M.A. BARI AND SRI B. SHYAM SUNDER RAO ,
RECEIVER – CUM- COMMISSIONER

APPL. NO. 803 OF 2014
IN

C.S. No. 7 of 1958

Between:

Late Badruddin Khan defendant No.11, died per LRs;

1. Nawab Naseeruddin Khan S/o Late Badruddin Khan aged 61 yrs, Occp; Land Lord, r/o H.No.10-21-375, Laxmigarden, West Maredpally, Hyderabad.

2. Janaba Ameerunissa Begum d/o LateBadruddin Khan and w/o Meer Jaffer Ali Khan aged 66 yrs, occp; Household, r/o H.No. 3-5-782/52/1/c, Kingkoti, Pardagate, Hyderabad.

3. Janaba Qamarunnisa Begum d/o Late Nawab Badruddin Khan, aged 54 yrs, occp; Household, r/o 1-8-506/55, New Prakashnagar Colony, Begumpet, Hyderabad.

Brought on record as per orders dated 2-2-2000 in Application No.73 of 2000.

All the three applicants are represented by M/s MGD CONSTRUCTION COMPANY rep by Managing Director Mr.Mohammed Gayasuddin S/o Mohd. Ibrahim Saheb, age 60 years, Occ: Business, R/o 4-1-6, Flat No.204, Ramkote, Hyderabad-500001

...APPLICANTS

AND

1) Janaba Parwarish Unnisa Begum D/o Late Nawab Mohd.Mazharuddin Khan, aged 64 years, Occupation: landlady, R/o Mumtaz Mansion, Lakdi-ka-pul, Hyderaba-A.P.

2) Janaba Qamarunnisa Begum D/o Late Nawab Mohd. Mazharuddin Khan, aged 63 years, Occupation: Landlady, R/o Bellmount 6-3-597/A,Banjara Hills, Besides Baskara Palace, Hyderabad.

3) Janaba Viqarunnisa Begum D/o Late Nawab Mohd. Mazhazruddin Khan, aged 58 years,Occupation: landlady, R/o H.No.33/A/4,Block Coramangal, Bangalore – 560 034.

Daughters of Late Nawab Mazharuddin Khan S/o Late Nawab Moin-ud-Dowla Defendant 2 in C.S.7/58

4) Nawab Mohd. Sahabuddin Khan S/o Late Nawab Basheer Jung Bahadur,aged 63 years, occupation: Service, R/o 10-3-304, Humayunnagar, Hyderabad-A.P.

5) Nawab Shahiduddin Khan S/o Late Nawab Basheer Jung Bahadur, aged 59 years, Occupation: Service, R/o 10-3-304, Humanyunnagar, Hyderabad-A.P.

6) Siddiqa Sultana Begum W/o Late Nawab Sirajuddin Khan, aged 51 years, Occupation: Landlady, R/o 10-3-304, Humayunnagar, Mountview, Hyderabad,A.P.

7) Janaba Fatima Khan D/o Late Nawab Mohd. Sirajuddin Khan, aged 23 years, Occupation: Student, R/o 10-3-304, Humayunnagar, Mountview Hyderabad.

8) Nawab Mohd. Sabir Luthfuddin Khan S/o Late Mohd.Sirajuddin Khan, aged 22 years, Occupation: Student, R/po 10-3-304, Humayunnagar, Mountview, Hyderabad-A.P.

9) Nawab Mohd. Nizamuddin Khan S/o Late Nawab Mohd. Basheer Jung, aged 38 years R/o 4-14-75/A, Hasan Nagar, Hyderabad-A.P.

Sons and Daughters of Late NAWAB BASHEER JUNG S/o Late Nawasb Moin-ud-Dowla, Defendant 3 in C.S.7/58

10) Nawab Mohd. Shamshuddin Khan S/o Late Nawab Mohd. Lateefuddin Khan, aged 62 years, Occupation: Business, R/o Serenade, 11-5-416/1,Red Hills, Hyderabad-500- 004, A.P.

11) Janaba Habeeb Unissa Begum D/o Late Nawab Mohd. LateefuddinKhan, aged 59 years, Occupation: Housewife, R/o 508, Kushal Towers, Khairtabad, Hyderabad-A.P.

12) Janaba Mehboob Unissa Begum D/o Late Nawab Mohd. Lateefuddin Khan aged 58 years, Occupation: Landlady,R/o 402, Indralok Apartments Road, Banjara Hills, Hyderabad – 500 034, A.P.

Sons and Daughters of late Nawab Lateefuddin Khan Defendant 4 in C.S.7/58

13) Janab Ghousunissa Begum D/o Late Mohd. Iftakharuddin Khan, aged 63 years, Occupation: Landlady, R/o 1-1-167/1, Maruthi Nagar, Champapet, Hyderabad – 500 060.

14) Nawab Mohd.Qamaruddin Khan S/o Late Nawab Mohd. Iftakharuddin Khan, aged 62 years, Occupation: Landlord, R/o 17-1-365, Asmanjahi Tombs, Santoshnagar, Hyderabad-A.P.

15) Janaba Shoukatunissa Begum D/o Late Nawab Mohd. Iftakharuddin Khan, aged 60 years, Occupation: landlady, R/o 5-9-246/1, Chirag Ali Lane, Hyderabad.

16) Nawab MOhd. Akbaruddin Khan S/o Late Nawab Mohd. Iftakharuddin Khan, aged 56 years, Occupation: Landlord, R/o 17-30/4/1, Ramchandra Nagar, Eidi Bazar, Hyd.-A.P.

17) Janab Khairunissa Begum D/o late Nawab Mohd. Iftakharuddin Khan, aged 54 years, Occ: Landlady, R/o Khalandar Nagar, Santoshnagar, R.R.District, Hyd.

Sons and Daughters of LATE NAWAB MOHD. IFTAKHARUDDIN KHAN S/o LATE NAWAB MOIN-UD-DOWLA, Defendant 5 in C.S.7/58

18) Janaba Afzalunissa Begum W/o Late Nawab Mohd. Ahmeduddin Khan, aged 69 years, Occupation: Housewife, R/o Saleem Nagar Colony, Opp.Farhat Nursing Home, Hyd.A.P.

19) Janaba Hameedunissa Begum D/o Late Nawab Mohd. Ahmeduddin Khan, aged 52 years, Occupation: Landlady, R/o Saleemnagar Colony, Opp. Farhat Nursing Home, Hyd.A.P.

20) Nawab Mohd.Khaja Moinuddin Khan S/o Nawab Mohd. Ahmeduddin Khan, aged 50 years, Occupation: Landlord, R/o 8-3-234/99/1, L.N.Nagar, Yousufguda, Hyderabad-A.P.

21) Nawab Mohd. Nizamuddin Khan S/o Late Nawab Mohd.Ahmeduddin Khan, aged 44 years, Occupation: Landlord,R/o 19-2-137/B/106, Kala Pather, Hyd.A.P.

22) Janaba Yousufunnisa Begum D/o Late Nawab Mohd. Ahmeduddin Khan, aged 39 years, Occupation: landlady, R/o 19-2-137/B/106, Bilal nagar, Kala Pathar, Old City, Hyderabad-A.P.

23) Janab Hasib Unissa Begum D/o late Nawab Mohd. Ahmeduddin Khan, aged 37 years, Occupation: Landlady, R/o H.No.19-2-21/9/A/1/1, Kala Pathar, Old City, Hyd.

24) Nawab Mohd.Rafiuddin Khan S/o Late Nawab Mohd. Ahmed Uddin Khan, aged 36 years, Occupation; Landlord, R/o Saleem nagar Colony, Opp.Farhat Nursing Home, Hyd.A.P.

25) Janaba NikathUnissa Begum D/o Late Nawab Mohd. Ahmeduddin Khan, aged 33 years, Occupation: Housewife, R/o Masab Tank, Hyd.A.P.

Sons and daughter of LATE NAWAB MOHD. AHMEDUDDIN KHAN S/o LATE Nawab Moin-ud-Dowla Defendant 6 in C.S. 7/58

26) Smt.Basheer Banu W/o Late Nawab Mohd. Afsaruddin Khan, aged 57 years, Occupatoin: Housewife, R/o 16-2-770/1, Sankasar Bazar, Gaddiannaram, R.R.Dsitrict,A.P.

27) Viqar Banu D/o Late Nawab Mohd. Afsaruddin Khan, aged 24 years, Occupation: Housewife, R/o 16-2-770/1, Sankasar Bazar, Gaddiannaram, R.R.Dist.Hyd.

28) Nawab Mohd. Jhangiruddin Khan S/o Late Nawab Mohd.Afsaruddin Khan, aged 20 years, Occupatoin: Student, R/o 16-2-770/1, Sankasar Bazar, Gaddiannaram, R.R.Dist.Hyd.

Sons and Daughters of LATE NAWAB MOHD. AFSARUDDIN KHAN S/o LATE NAWAB MOIN-UD-DOWLA, DEFENDANT 7 in C.S. 7/58

29) Nawab Mohd. Iqbaluddin Khan (Defendant 8 in C.S.7/58) S/o Late Nawab Moin-ud-Dowla, aged 80 years, Occupatoin: Landlord, R/o 3-74, Road No.9 Venkateshwara Colony,Saroornagar, R.R.Dist.Hyd.A.P.

30) Smt.Fareedunnisa Begum W/o Late Nawab Mohd.Wajihuddin Khan, aged 72 years, Occupation: Housewife,R/o 4-75/A, Katedan Shivrampally, R.R.District, Hyd.A.P.

31) Janaba Vicarunnissa Begum D/o Late Nawab Mohd.Wajihuddin Khan, aged 50 years, Occupatoin: Housewife, R/o P.O.Box 515555 Dubai UAE.

32) Nawab Mohd.Afzaluddin KhanS/o Late Nawab Mohd.Wajihuddin Khan, aged 49 years, Occupation: Business, R/o Bahadurpura, Hyd.

33) Janaba Sayeedunissa Begum D/o Late Nawab Wajihuddin Khan, aged 45 years, Occupation: Housewife, R/o Uddamgadda, R.R.District, A.P.

34) Nawab Mohd. Moinuddin Khan S/o Late Nawab Mohd. Wajihuddin Khan, aged 40 years, Occupaton: Business, R/o 4-75/A, Katedan Shivrampally, R.R.District, A.P.

35) Nawab Mohd. Asfuddin Khan S/o Late Nawab Mohd. Wajihuddin Khan, aged 32 years, Occupatoin: Business, R/o 4075/A, Kattedan, Shivrampally, R.R.District.

Sons and Daughters of LATE NAWAB MOHD. WAJIHUDDIN KHAN S/o LATE NAWAB MOIN-UD-DOWLA, DEFENDANT 9 IN C.S. 7/58

36) Nawab Yousufuddin KhanS/o Late Nawab Bahauddin Khan, aged 59 years, Occupatoin: Service,R/o Asifnagar, Hyderabad.

Son of LATE NAWAB BAHAUDDIN KHAN S/o Late Nawab Moin-ud-Dowla, Defendant 10 inC.S.7/58

37) NAWAB Mohd Jalaluddin Khan (Defedndant 12 in C.S. 7/58) S/o Late Nawab Moin-ud-Dowla, aged 73 years, Occupation: landlord.

38) NAWAB MOHD. GHAZIUDDIN KHAN (Defendant 14 in C.S.7/58) S/o Late Nawab Moin-ud-Dowla aged 68 years, Occupation: Landlord, R/o 8-2-686/16/id/2 Banjara Hills, Road NO.12, Hyderabad-A.P.

39) NAWAB MOHD.WARISUDDIN KHAN (Defendant 15 in CS. 7/58) S/o Late Nawab Moin-ud-Dowla, aged 67 years, Occupation: Landlord R/o 8-2-686/id/2 Banjara Hills, Road No.12, Hyd.A.P:.

40) JANABA LAIQS UNISSA BEGUM (Defendant 17 in C.S. 7/58) D/o Late Nawab Moin-ud-Dowla aged 86 years, Occupation: landlady, R.o 5-9-246/1, Chirag ali Lane, Abids, Hyderabad.

/o

41) Janaba Zeenath Unissa Begum D/o Late Izzathunissa Begum, aged 50 years, Occ: Landlady, R/o 12-2-709/C/153, Padma Nagar Colony, Toli Chowki, Hyd.A.P.

42) Janaba Tahniuyat Unissa Begum D/o Late Izzathunissa Begum, aged 49 years, Occupatin: landlady, R/o 10-2-310, Bazar Ghat, Vijaya Nagar Colony, Mallepally, Hyd.A.P.

43) Janaba Liaqathunissaq Begum W/o Late Izzathunissa Begum, aged 47 years,Occupation: Housewife, R/o9-4-77/3/1, Toli Chowki, Hyd.A.P.

Daughters of LATE IZZATUNISSA BEUGM D/o Moin-ud-Dowla; Defendant 18 in C.S.7/58

44) Janaba Iftekhar Unissa Begum (Defendant 19 in C.S.7/58) D/o Late Nawab Moin-ud-Dowla, aged 70 years, Occupation: Landlady, R/o 9-4-84/99, Plot NO.99, Kakatiya Nagar, Toli Chowki, Hyd.A.P.

45) Janaba Malika Jahan Begum (Defendant 20 in C.S.7/58) D/o Late Nawab Moin-ud-Dowla, aged 69, Occupation: Landlady, R/o 23-1-213, Andheri Gali Kotla Alija, Hyderabad-A.P.

46) Janaba DAwood Unissa Begum (Defendant 22 in C.S.7/58) D/o Late Nawab Moin-ud-Dowla, aged 63 years, Occupation Landlady, R/o S.R.T. 198 Chandulal Baradari, Hyd.A.P.

47) Jagir Aministrator Govt. of Andhra Pradesh, IV Floor, Gagan Vihar, Gandhi Bhavan, Hydearbad-A.P.

48) Principal Secretary to Government , Revenue Department, Government of Andhra Pradesh, Secretariat Buildings, Tank Bund, Hyderabad.

49) District Collector, Hyderabad, Nampally, Hyderabad.

50) District Collector, Ranga Reddy District, Lakdikapul, Hyderabad.

51) Tahsildar (Mandal Revenue Officer), Saroornagar Mandal, Ranga Reddy District.

...Respondents/Defendants

52) Sri M.A.Bari Receiver-cum-Commissioner, H.No.11-3-627, Mosque Road, New Mallepally, Hydesabad.

53) Sri B.Shyam Sunder Rao, Receiver-cum-Commissioner, H.No.11-3-627, Mosque Road, New Mallepally, Hyderabad.

..Respondents/Receiver-cum/
Commissioners

Application Under Order 20 Rule 18 R/w. Section 151 of Code of CPC praying that for the reasons mentioned in the accompanying affidavit, this Hon'ble Court may be pleased to pass final Decree in C.S. No. 7 of 1959 in favour of the Applicants 1 -3 in respect of petition schedule of suit property.

Petition Schedule of Suit Property:

All that piece and parcel of land of Ac. 8-23 gts., (Out of Ac. 30-27 gts) = 12000 sq.yds., or 10033.52 Sq. Meters in "A" Portion & 29500 Sq. Yds., or 24665.75 Sq. Mtrs , in "B" Portion forming a complete portion of one among 5 places in a compact area of Ac. 30-27 gts., bearing M.C.No. 2-87, situated at Saroor Nagar Village & Mandal, Ranga Reddy District and made part of item No. 9 of Schedule "A" and item No. 8 of Schedule "F" of Suit schedule of properties in Preliminary decree dated 6-4-1959 in C.S.No. 7 of 1959 and bounded by:

"A" Portion

North: Land of another place in M.C. No. 2-87 & some part in "B" Portion on two ends.
South: Land of "B" Portion
East: Land of "B" Portion
West: Land of "B' Portion

"B" Portion

North: Land of another place in M.C. No. 2-87 & some part in "A" Portion on two ends.
South: Road
East: Road
West: Road

Counsel for the Applicants : SRI CH. JANARDHAN REDDY

Counsel for the Respondent No. 48 to 51 : SRI MOHAMMED IMRAN KHAN, THE ADVOCATE GENERAL

Counsel for the Respondent Nos. 52 and 53 : SRI M.A. BARI AND SRI B. SHYAM SUNDER RAO , RECEIVER – CUM- COMMISSIONER

The Court made the following Order :

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR

Applications No.1234 of 2015 in/and 803 of 2014
in
C.S. No.7 of 1958

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

Mr. Mohd. Naveed Ghiyasuddin, learned counsel for the petitioners in Application No.1234 of 2015.

Mr. Mohammed Imran Khan, learned Additional Advocate General for the State.

Application No.803 of 2014 in C.S. No.7 of 1958 is filed by the Managing Director of M/s. MGD Construction Company, who is the General Power of Attorney of the applicants with the following prayer.

"this Court may be pleased to pass a final decree in favour of the applicants in respect of the property of land of Acs.8-23 gts., (out of Ac.30-27 gts) 12000 sq., yards or 10033.52 sq. meters in "A" portion and 29500 sq.yards or 24665.75 sq. meters in "B" portion forming a complete portion of one among 5 palaces in a compact area of Acs.30-27 gts., bearing M.C. No.2-87, situated at Saroornagar village & Mandal Ranga Reddy district and made part of item No.9 of schedule "A" and item No.8 of Schedule "F" of suit schedule of properties in preliminary decree dated 06.04.1959 in C.S.7 of 1958."

2. Application No.1234 of 2015 has been filed with the following prayer:

"To pass an order directing the respondents No.48 to 51 and other on their behalf not to make any construction or alter the nature of the suit schedule properties i.e., All that piece and parcel of land of Ac.8.23 gts., (out of Ac.30-27 gts.,) + 12000 sq., yards or 10033.52 sq. meters in "A" portion and 29500 sq.yards or 24665.75 sq. meters in "B" portion forming a complete portion of one among 5 palaces in a compact area of Acs.30-27 gts., bearing M.C. No.2-87, situated at Saroornagar village & Mandal Ranga Reddy district and made part of item No.9 of schedule "A" and item No.8 of Schedule "F" of suit schedule of properties in preliminary decree dated 06.04.1959 in C.S.7 of 1958 and bounded by:

"A" Portion

North : *Land of another Palace in M.C. No.:2-87 & some part in "B" Portion on two ends.*

South : *Land of "B" Portion*

East : *Land of "B" Portion.*

West : *Land of "B" Portion.*

"B" Portion

North : *Land of another Palace in M.C. No.:2-87 & some part in "A" Portion in two ends.*

South : *Road*

East : *Road*

West : *Road.*

And as per the plan annexed hereto, till final disposal of the final decree petition Application No.503 of 2013 in C.S. No.7 of 1958 in the interest of justice."

HISTORY AND BRIEF FACTS:

3. It is submitted that the Civil Suit in C.S.No.7 of 1958 is filed for partition and separate possession of the Matruka properties left by Nawab Sir Asman Jah Bahadur, the estate popularly known as Asmajahi Paigah. Nawab Moinuddowla Bahadur was the Ameer-e-Paigah and most of the suit schedule properties stood in his name. The suit was contested initially and ultimately the same has been ended in a compromise and the High Court passed a preliminary decree in C.S.No.7 of 1958 on 06.04.1959, declaring the shares of each and every share holder.

4. Under the compromise decree, the Plaintiff, Defendant No.1 & Defendant No.13 were allotted specific shares out of the cash, securities and urban properties. The remaining properties were to be allotted to the other share holders as per their shares fixed in the preliminary decree dated 06.04.1959 according to which Nawab Badruddin Khan, the defendant No.11 was entitled to 2/35th share in the entire schedules of suit properties and upon his death devolved upon the Applicants who are his legal heirs.

5. It is submitted that the properties situated at Saroornagar Village & Mandal, R.R. District, comprising of five palaces/bunglows bearing Municipal No.2-87 and the attached open land and gardens to the said bunglows, totally admeasuring Acs.30-27 Gts., was owned and possessed by Paigah Asmajahi. It is claimed that out of the said property, the Defendant No.11 in C.S.No.7 of 1958 namely Nawab Mohd. Badruddin Khan, S/o. Moinuddowla Bahadur, the father of the Applicants No.1 to 3 herein, was in physical possession of the palace/bungalow bearing No.2-87 and the attached land to an extent of Acs.8-23 Gts., situated at Saroornagar Village & Mandal, R.R. District. The said property is forming item No.9 of schedule "A" appended to the preliminary decree in C.S.No.7 of 1958 and described "as Saroornagar Palace, Bungalow & Lands". It is further submitted that Nawab Mohd. Badruddin Kharn died on 12.09.1998 leaving behind the applicants No.1 to 3, his son and daughters respectively as his legal heirs, who have succeeded to all his movable and immovable properties including the scheduled properties and have also been brought on record in C.S.No.7 of 1958 as per orders dated 02.12.2000 in Application No.73 of 2000 and thus they have become party defendants to the said preliminary decree.

6. It is submitted that the Applicants Nos.1 to 3 having inherited the immovable property forming item No.9 of schedule "A" annexed to the preliminary decree, which was a palace/bunglow bearing No.2-87 and its attached open land measuring Acs.8-23 Gts., in lieu to 2/35th

share out of Acs.30-27 Gts., situated at Saroornagar Village & Mandal, R.R. District, are claiming as absolute owners thereof and the said property is the subject matter of C.S.No.7 of 1958 and no final decree is passed till date in respect of the said property.

7. This Court on 30.06.2014 passed the following order in Application No.803 of 2013 in C.S. No.7 of 1958:

> "Receivers-cum-Commissioners submitted a report asserting that in C.S. No.7/1958 D.11 was allotted with schedule 'A' & 'B' properties totalling admeasuring Acs.8-23 guntas and after his demise the applicants, who are the legal heirs of D.11, inherited the said properties and they are also in actual physical possession of the same. As such, there is no impediment in ordering the present application.
>
> Learned counsel for the applicants submits that the applicants herein inherited the schedule properties from D.11, who died on 12.09.1998 and was allotted with the same in C.S. No.7/1958. As such, they are entitled for final decree in respect of said property in their favour.
>
> Considering the submission of the learned counsel for the applicants, and the averments of the report of the Receiver-cum-Commissioner that there is no impediment in ordering final decree and that the Government Pleader also submitted that the Government is also claiming certain extents of lands in C.S. No.7 of 1958, it is expedient to call for a detailed report from the concerned District Collector, Ranga Reddy District

along with all connected records including that of the petitioners. Call after filing of report."

8. Thereafter, an Application No.1234 of 2015 in Application No.803 of 2013 in C.S. No.7 of 1958 was filed by the applicants seeking to pass an order directing the respondents No.48 to 51 and others on their behalf not to make any construction or alter the nature of the suit schedule properties.

REPORT OF THE DISTRICT COLLECTOR/R-50.

9. On behalf of the respondent No.50, District Collector, Ranga Reddy District, filed a report stating that as per the revenue records of Saroornagar Village, the land in Sy.No.24 to an extent Acs.8.23 guntas is classified as Kancha Sarkari and being claimed as Government land and is under the custody of Government, since time immemorial. Earlier as per the requirements and policy decisions of the Government, number of allotments were made in favour of the different Government Institutions, especially for the public purpose in the above said survey numbers totaling an extent of 41703 square yards.

10. It is further submitted that as per the policy decisions of the Government, the Department has taken steps earlier and by following due process called for objections from interested persons in allotment of Government land in favour of the institutions and in response to that no objections were filed by the individuals including the present

applicants. Since there were no claims and objections over the Government land, the process of allotments in favour of the institutions has been made by the Government at that time and the physical possession of the said Government land was handed over in favour of the institutions and according to the sanctions from the concerned departments, they have completed the structural activities and the Government organizations are functioning for public purpose.

11. It is also submitted that different Land Grabbing Cases were filed by the Government earlier against the encroachers over the said Government land in Sy.No.24 of Saroornagar Village in O.P. No.778 of 1990 and LGC No.5 of 1994, in which the Land Grabbing Court declared the Scheduled Land as Government Land and the encroachers were declared as Land Grabbers and directed the encroachers to pay the Market Value of the encroachment in the Government Land. Accordingly, action was initiated and steps were taken in collection of amount as per Market Value, in which as per payments made by the Land Grabbers, the Government Land has been regularized under Conveyance Deed including other encroachments. Thus, it is clear that the Scheduled Land belongs to the Government.

12. Further it is submitted that the property which is mentioned with House Number i.e., MC-2-87 and open area Acs.8-23 Gts situated at Saroornagar Village, but there is no mention of Survey Number or boundaries of the property as such it was difficult to locate

the Schedule Property on ground. It is further submitted that the Revenue Department functions basing on the Survey Settlement Records which was prepared during the Revision Survey whereby the Survey Numbers were given and Village Maps were prepared showing the Survey numbers. Subsequently, Pahani has been prepared. According to the Pahanies, present Scheduled Land is treated as the Government Land and has been got surveyed at that time and identified as Acs.8-23 Gts in Sy.No.24 of Saroornagar Village and being continued till today as the Government Land.

13. It is submitted that an application has been filed seeking a direction to the respondents not to make any constructions or alter the nature of the Suit Schedule Property, for which it is submitted that long back part of the land in the Sy.No.24 was allotted to the Government Junior College and it is functioning. Thereafter, the College authorities constructed additional two rooms for extension of the College Building to accommodate the students in the College and at that time neither the College Authorities nor the Respondent was aware regarding the disposal of the Application No.803 of 2013 in C.S.No.7 of 1958. Thereafter, the respondent has informed to the College Authorities and directed them not to proceed further with the construction work.

14. It is further submitted that when the process for final decree in C.S.No.7 of 1958 is pending before the Court, the petitioners have filed the present application claiming the property with M.C. No.2-87

an area of Acs.8-23 Gts, at Saroornagar Village which cannot be identified on ground and also not available physically and there is no boundary of the property. Hence, the present application filed by Sri. Nawab Naseeruddin Khan & others is baseless and devoid of merits.

COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENT No.50/DISTRICT COLLECTOR.

15. On behalf of the respondent No.50, District Collector, Ranga Reddy District, a counter has been filed and while denying the averments made in the applications, the respondent No.50, reiterated the stand taken in his report and further submitted that the counter affidavit was filed opposing the final decree as well as Application made in I.A. No.1234 of 2015 and the counter may also be treated as objections to the application filed by the applicants seeking to pass final decree i.e. Application No.803 of 2014.

16. It is further submitted that the land claimed by the Applicants in Application No.1234 of 2015 in C.S. No.7 of 1958 is fictitious and non-existing and hence cannot lay claim over the land in Sy.No.24, extent Acs.8.23 Gts., situated at Saroornagar Village which is classified as Government Land as per Survey Settlement and Revenue Records and the claim setup by the Applicants is absolutely false, fabricated, untrue, untenable and invented for the purpose of Application No.1234 of 2015 before this Court only to usurp or grab the land in Sy.No.24 of Saroornagar Village under the guise of

Preliminary decree in C.S. No.7 of 1958, dated 06.04.1959 in the name of defendant No.11, wherein taking the advantage of similarity of the area, the Applicants are claiming Sy.No.24 of Saroornagar village.

17. It is further submitted that as on the date of passing preliminary decree on 06.04.1959, Saroornagar was in the limits of Gram Panchayat, as such the question of existing of Municipal No.2-87 is fictitious.

APPLICANTS' OBJECTIONS TO THE REPORT OF THE DISTRICT COLLECTOR

(Along with the objections, copies of Pahanies/Adangals, revenue documents and copy of location sketch of Sy.No.24 at Saroornagar village and mandal attested by the Mandal Surveyor and the District Collector were filed from 1965-66).

18. In the objections, it is submitted that as per the Gazette Notification No.4/86, dated 09.07.1952, Asman Jahi Paiga Zarkarid Properties (self purchased), belongs to Nawab Sir Asman Jah Bahadur (popularly known as Asmajahi Paigah). Those properties are personal "Matruka" properties of Nawab Moin-ud-Dowla Bahadur (the "Ameer-e-Paiga") and Late Sir Asman Jah Bahadur. The said list and the Gazette and other documents were filed in C.S. No.7 of 1958.

19. In the said suit, list of the properties were enclosed as schedule of properties and notices were served on all the parties. Defendant No.47 was also represented through it's counsel. Thereafter,

the plaintiff and other private defendants and Government has not resumed any of the said properties, as they are not the "Grants under Jagir". Government has not opposed for passing of preliminary decree by way of compromise on 06.04.1959, by the High Court of Andhra Pradesh, declaring the shares of the respective parties to the said suit.

20. It is further submitted that in the month of November, 1952, the Assistant Nizamat Atiyat of Revenue Secretariat, Government of A.P., wrote a letter to Amir-E-Paigah, Sir Asmanjahi, showing the particulars of the "Non-Government Makthas" (private properties) of Ali Janab Moroot Nawab Moinud Dowla Bahadur (Inayat Jung) by sending the files to the Tahsil Shamshabad, District Basheerabad, wherein they have shown the boundaries of the said "Non-Government Makthas" in which the properties at Saroornagar are shown at Serial No.4, as "Saroornagar: Land Survey Nos.12, 26, 27, 30, 31 and 33 are handed over to Ameer-e-Paiga, Sir Asmanjahi Paigah.

21. Further, the Ministry of States, Government of India wrote a letter D.O. No.F.2(1)-11/50, dated 30.11.1953 to the General Exalted Highness, Nawab Bin is Osman Ali Khan Bahadur, G.O.S.I.C.B.E., Nizam of Hyderabad, Hyderabad Deccan, clearly showing the private properties of His Highness Nizam under different lists. Out of said property of Acs.30.27 gts., which are Mathruka properties of Asmanjahi Paiga, for which Nawab Moinuddowla Bahadur was a Ameer-E-Paiga along with other properties, an extent of Acs.08.23

gunts (4),500 sq.yds.,) which consisting of one bungalow with appurtenant gardens and lands, which clearly shown in schedule "A" & "B' in Application No.803 of 2013 fell to the share of the defendant No.11.

22. The Applicants further submits that the boundaries shown for Schedule 'A" && "B" in Application No.803 of 2013 are same as in the measurements and map prepared by the Receiver-cum-Commissioners, in respect of the properties allotted to the defendant No.11 and the same is being correlated with the village map with eastern boundary.

23. It is further submitted that after passing preliminary decree in C.S. No.7 of 1958 on 06.04.1959 by the High Court, at the request of Mr.Nawab Mohamad Bahauddin Khan @ Khaja Pasha (D.10), the Managing Committee of Paigah Khas, by obtaining sanction of "The King ALAHAZRAT" (The Supreme Authority) with boundaries situated at Saroornagar was granted through letter, Out Ward No.5980, 5981 and 5982 in File No.26, ATIYAT Branch of the year 1349 Fasli and directed the Collector, Basheerabad District to measure the land under the boundary as per rules, to prepare plan and directed to deliver the possession of the said land to the Nawab Saheb by directing the Collector to arrange for the supervision thereof.

24. Thereafter, the Collector ATRAF BADA DISTRICT, estate of Paigah khas (Atiyat) Branch of Basheerabad District, vide letter No.7432, dated 6th Sherewar 49 Fasli, in File No.9 of Atiyat Branch, 1349 Fasli, directed the Tahsildar Thaluq Shamshabad to implement the letter No.5980, dated 2nd Sherewar, 1349 Fasli issued by the Board (Managing Committee) and to send the compliance to his office. Thereafter, the Tahsildar, Taluq Shamshabad, Basheerabad District of Paigah, on receiving the above letter of the Collector, Basheerabad District made measurements of the said land under boundaries and found it admeasuring 8333 sq.yds., and by preparing the plan sent the same to said Nawab Saheb and the possession thereof has been delivered.

25. It is further submitted that the open area of 8333 sq.yds., of land which was allotted towards the "Cricket Ground" falls within Item No.9 of Schedule "A" i.e., one of the five Saroornagar Palaces, which is consisting of Big Bungalow / palace and open Gardens, lands abutting to it and Item No.8 of Schedule "F" properties M.C. No.2-87 of Saroornagar under his possession towards his 2/33rd share to defendant No.11 was temporarily given to Mr.Nawab Bahauddin Khan @ Khaja Pasha (defendant No.10 in C.S.) by the Managing Committee of Asmanjahi Paiga, under control of the then Receivers-cum-Commissioners through File No.2 Atiyat, 1359 Fasli on 17th day Bah, 1359 Fasli for using it as "Cricket Play Ground",

wherein it is clearly mentioned as the said property is one of the properties in the preliminary decree in C.S. No.7 of 1958.

26. Thereafter, the applicants filed applications before the Revenue authorities for issuance of certain revenue records in respect of Sy.No.24 of Saroornagar and the receiver also made an application dated 25.07.2008 to the Commissioner of L.B. Nagar Municipality, Saroornagar, R.R.District to furnish the corresponding number of property M.C. No.2-87 of Saroornagar by the Local Fund of the Asmanjahi Paiga and requested them to furnish records of Local Fund Authorities of the "Paigah" by informing the time from when the L.B. Nagar Municipality came into existence and it is marked as Document No.17. However, no reply / information has been furnished by the authorities

27. Eventually, the Applicants would submit that in view of the above facts, the assertion of the record is without any basis and in order to cover up the illegal encroachments done by the Government, which is contrary to the preliminary decree passed in the C.S. No.7 of 1958 all the constructions have been allowed without any rights whatsoever. As such the report of the District Collector, Defendant No.50, is untenable, fabricated and filed only to usurp the applicants' schedule properties.

CLARIFICATIONS OF THE DISTRICT COLLECTOR TO THE OBJECTIONS FILED BY THE APPLICANTS.

28. The District Collector would submit that originally the Government was not made a party in the said suit. However, on receiving the information of the suit, immediately the Government have impleaded in the said suit and placed relevant record before this Court and after elaborate enquiry with reference to the records and documents, this Court has passed a preliminary decree on 06.04.1959 in C.S. No.7 of 1958 which is meant only for the family shares and compromise made among the claimants. In the said compromise suit (24) villages were included in Scheduled-A Mathruka properties of Nawab Moin-ud-Dowla Bahadur and late Sir Asman Jaha Bahadur. In the said villages neither there is a mention of the survey numbers nor the extent of the lands, Bungalows and Gardens are also part of Scheduled-E and Schedule-F and the Saroornagar village claimed by the applicants is part and parcel of Gardens and Bungalows at Sl.No.7 and 8 of Schedule-F. Apart from these Building / Bungalow MC No.2-87 is also shown at Scheduled-F at Sl.No.7 and 8 without any area and survey numbers in both the Scheduled E and F. Whereas under the guise of preliminary decree and judgment passed in C.S. No.7 of 1958 dated 06.04.1959, the applicants and other share holders and defendants approached this Court and filed various applications in C.S. No.7 of 1958 for transfer of their shares and properties to third parties and seeking different directions from this Court for mutation of the lands in various villages without

making the Government, District Collector and other Government agencies. It is further submitted that the parties are approaching the Tahsildars for implementation of the Court decree in C.S. No.7 of 1958. As per the directions of this Court, the Tahsildars are sanctioning the mutations in respect of the Scheduled properties. The Joint Collector, Ranga Reddy District, after careful examination of the individual cases has stayed the proceedings issued by the recording authorities i.e. Tahsildars. This Court in O.S. No.58 to 66, 68, 70, 71, 72 of 2002 and OSA SR Nos.235, 288, 231, 284, 239, 227 of 2003 which were filed against common order dated 27.03.2002 in Application Nos.983, 921 and 984 of 2002 in C.S. No.7 of 1958, after elaborate examination of the material filed by the Government has passed judgment on 10.06.2003 while setting aside the orders under appeals and the same was remanded to the Single Judge for reconsiderations.

29. It is further submitted that the issues regarding the Mathruka properties mentioned in the different cases before the different Forums, it is noticed that the entire Saroornagar village is a Sarf-e-Khas village held by the HEH, Nizam. The entire 1961 villages of Sarf-e-Khas area held by the HEH Nizam stood abolished and vested with the Government of Hyderabad on par with the lands of Diwani (Khalsa) villages. The properties claimed by these applicants covered by Bungalows and Gardens are not covered by any revenue survey numbers and as per basic revenue and Survey and Settlement

Records, the burden of proof lies on the applicants to prove that these Gardens and Bungalows are covered by survey numbers, with correlation statement. It is further submitted that the subject land is now covered by various public offices such as Primary Health Center and Staff Quarters, Veterinary Hospital, Tahsil Office, MPDO office etc., apart from that Government has also allotted 12285 sq.yds., of land to the Government Junior College and structures have also come up and Junior College is running and there is a play ground which is existing with the compound wall of the Junior College. Even as per the records, the land in Sy.No.24 to an extent of Acs.8.24 gts., recorded as Government land and entered the same in the revenue record as Sarkari and the same is continued till date. It is further submitted that even in the preliminary decree in C.S. No.7 of 1958 dated 06.04.1959 there is no mention of survey numbers and area of these bungalows and gardens and this M.C. No.2-87 also been created by these applicants.

30. It is further submitted that at present there are no structure existing as M.C. No.2-87 in Saroornagar village and as such the applicants are estopped to claim any property/land under name and style as M.C. No.2-87, under the guise of the preliminary decree dated 06.04.1959 in C.S. No.7 of 1958.

31. It is further submitted that the Division Bench in A.S. No.293 of 2011 in C.S. No.7 of 1958 in respect of Sy.No.57 of Shamshiguda village of Balanagar Mandal, Ranga Reddy District in Application

No.1459, 1460 and 1461 of 2000 the High Court has categorically held that C.S. No.7 of 1958 was filed for the simple relief of partition of the properties mentioned therein and even the description of the properties was vague and the properties in C.S. No.14 of 1958 are also Government properties. The Government was impleaded as one of the respondents/defendants on account of the fact that the lands are covered by Jagir Abolition Regulations and Serf-e-Khas Merger Regulations. The Division Bench also concluded that the preliminary decree is nothing but a collusive decree in respect of the lands which already vested in the Government by operation of Jagir Abolition Regulations.

32. Eventually, it is submitted that under the guise of the preliminary decree dated 07.04.1959 in C.S. No.7 of 1958 the applicants are claiming the land in Sy.No.24 to an extent Acs.8.24 gts., which is a Government land. That apart, the lands claimed by the applicants in Application No.1234 of 2015 in C.S. No.7 of 1958 is quite different and distinct from the land in Sy.No.24 to an extent Acs.8.24 gts., situated at Saroornagar village, which is classified as Government land in Survey Settlement and Revenue Records and the claim set up by the applicants is absolutely false, fabricated, untrue untenable and invented for the purpose of Application No.1234 of 2015 before this Court and only to usurp or grab the land in Sy.No.24 of Saroornagar village.

APPLICANTS' REPLY :

33. On behalf of the Applicants, while denying the averments made in the counter affidavit, reply affidavit has been filed and reiterated the averments made in the Application No.1234 of 2015 and are taken note of them.

PROCEEDING SHEET DATED 24.02.2021 in APPLICATION No.1234 of 2015 and 803 of 2014

34. This Court on 24.02.2021 passed the following order:

> "Sri Mohd. Gayasuddin, learned counsel for the applicants and the Additional Advocate General have filed certified copies of certain documents, which according to them prove their case.
>
> We request Smt. Y. Renuka, Principal District and Sessions Judge, holding charge as Chairperson, Telangana Value Added (VAT) Appellate Tribunal, Hyderabad and FAC Chief Judge, City Small Causes Court, Hyderabad, to record evidence adduced by both sides, mark documents in accordance with law and forward the evidence so recorded to us.
>
> Registry is directed to forward this file to the said Officer to enable the said Officer to record the evidence.
>
> The Officer shall issue notices to the learned counsel Mohd. Gayasuddin, D.No.4-1-6, Plot No.204, Ramokote, Hyderabad-500001 and also to the office of the Additional Advocate General in the premises of the High Court for the State of Telangana. The Officer is also directed to

record the evidence and send the same with the accompanying record by 05.04.2021.

List on 05.04.2021."

35. In pursuance to the said direction, notices were issued to both the parties to record the evidence and transmit the file to this Court. For the sake of facility, the proceedings of evidence of both sides recorded are extracted hereunder.

36. Deposition of P.W.1, Mohd. Gayasuddin S/o Late Mohd. Ibrahim Saheb, Occupation Managing Director, M/s. MGD Constructions Company, dated 30.03.2021, reads as under:-

'Chief examination for marking documents:
The affidavit dated 17.03.2021 filed by PW-1 is taken on record in lieu of evidence in chief. The counsel for the Respondent No.50 raised objection for recording of evidence of PW1 on the ground that the same person cannot be a GPA, the counsel on record and a witness).

The following documents are marked on behalf of PW-1 in support of the case of the appellants.

EX.A-1: Letter dated 20.02.2021 under R.T.I. Act vide No.K3/245/2021 issued by Assistant Director, Survey and Land Records, R.R. District.

Ex.A-2: Letter No.RTI/17/2021 dated 19.02.2021 issued by the Office of the Tahsildar Saroornagar Mandal, R.R. District.

Ex.A-3: Letter No.T1/1/C5/GHMC/2021 dated 20.02.2021 issued by the Public

Information Officer and Dy. Commissioner, Circle No.5, Saroornagar, GHMC.

Ex.A-4: Letter No.RTI/15/2021 dated 19.02.2021 under RTI Act issued by the Public Information Officer, Office of the Tahsildar, Saroornagar Mandal, R.R. District.
(Exs.A-1 to A-4 are marked subject to objections as follows:

1) Exs.A-1 to A-4 are correspondence and have no bearing on the case.

2) Exs.A-1 to A-4 are documents obtained under R.T.I. Act and therefore cannot be considered in evidence.)

Ex.A-5: Adangal/Pahani for the year 1993-1994 – Issued under R.T.I. Act.

(Ex.A-5 is marked subject to objection by the counsel for the respondent No.50

1) The document is issued under R.T.I. Act

2) Ex.A-5 is not issued by the Revenue Department.

3) Translation is not furnished.)

Ex.A-6: Letter No.Rc.C/982/2008 dated 19.07.2008 issued by the Dy.Collector and Tahsildar, Saroornagar Mandal, R.R. District.

(Ex.A-6 is marked subject to following objections.

1) Ex.A-6 is not an original document.

2) Ex.A-6 is not a certified copy issued by competent authority.

3) Ex.A-6 is an attested copy)

Ex.A-7: Letter dated 29.01.2021 addressed to the Public Information Officer, Office of the Tahsildar, Saroornagar Mandal, R.R. District, by Mohd. Gayasuddin (PW-1).

Ex.A-8: Letter No.R1/505/G/2021 dated 16.03.2021 issued by the Director, State Archives and Research Institute.

Ex.A-9: Application dated 25.02.2021 addressed to the Public Information Officer, C.C.L.A., Nampally, Station Road, Hyderabad by Mohd. Gayasuddin (PW-1)

Ex.A-10: Letter No.A5/RTI/11350/2020 dated 19.09.2020 issued by the Asst. Public Information Officer and Administrative Officer, Collector and District Magistrate, R.R. District.

(Exs.A-7 to A-10 are marked subject to objections as follows:

1) Exs.A-7 to A-10 are correspondence and have no bearing on the case.

2) Exs.A-7 to A-10 are documents obtained under R.T.I. Act and therefore cannot be considered in evidence.)

Cross examination : Deferred at request.

Dated: 30-03-2021

PW1 present and sworn in for cross examination by the counsel for the Respondent Nos.48 to 51.

It is true that I am not a party to the case in C.S. No.7 of 1958. It is true that I am a G.P.A. Holder as well as counsel for the parties. I do not have any interest in the subject matter of the case in C.S. No.7 of 1958.

I have already filed part preliminary decree and part final decree in C.S. No.7 of 1958 at the time of filing of appeal. It is not true to suggest that the immovable properties are listed in Schedule-A of preliminary decree. Witness adds the immovable properties are listed in Schedule-A, Schedule-D and Schedule-F. It may be true that the preliminary decree does not contain the details as to extent and municipal number of the Ac.8-23 gts out of Ac.30-27 gts., which is subject matter of the present appeal. It is true that the Government is arrayed as defendant Nos.47 and 48 in C.S. No.7 of 1958. It is true that the parties are claiming against the Government. It is true that the suit in C.S. No.7 of 1958 has been dismissed against the Government as per Clause 15 of the preliminary decree in the said suit. It is not true to suggest that since the suit in C.S. No.7 of 1958 has been dismissed against the government, the parties to the said suit cannot enforce the preliminary decree against the Government. It is true that the appellants are relying upon Exs.A-1 to A-10 in support of their case and there are no other documents. It is true that Exs.A-1 to A-4 and Exs.A-6 to A-10 are correspondence between the parties and various departments seeking to furnish documents and replies. It is true that Exs.A-1 to A-10 are not title documents. Witness adds, Exs.A1 to A-10 do not confer title.

It is true that as per Ex.A-5 (and its translation) Adangal Pahani for the year 1993-1994, the land in Sy.No.24 consisting of total extent of Ac.8-23 gts., the Khatadar/Pattadar is shown as "Kancha" and enjoyers name is shown as "Sarkari". Witness adds, in those days Sarkari means the then Government i.e., Asman Jahi Paigha. It is true that the translation copy of Ex.A-5 filed by me today does not contain translation of all the columns and rows. Witness adds, I got translation of the relevant rows and columns showing entry No.89 for Sy.No.24, for Ac.8-23 gts., which is the subject matter of this appeal. It is not true to suggest that I have deliberately omitted the translation of other columns and rows to suppress the mention of the then Government as His Exalted Highness the Nizam Mir Osman Ali Khan, the then Ruler of the State. Witness adds, the said columns and rows are not relevant for this Appeal. It is true that all the Adangals and Pahanies from 1965-66 onwards show the land in Sy. No.24 Ac.8-23 gts., as "Kancha Sarkari". It is true that currently the subject matter property is in occupation of the Government from 1966 to till date and Government Offices are constructed in said property. Witness adds, the Government has encroached the property. It is not true to suggest that the subject matter property is not a government property and therefore the question of encroachment does not arise.

I do not know whether the Government has filed any Land Grabbing Cases against Revathi Tobacco Company and various others. Witness again says, long back we came to know about the

Land Grabbing cases. After filing of counter by the Respondent Nos.48 to 51, I came to know about the LGCs filed in respect of land in Sy.No.24. Witness adds, the subject matter of the said LGCs is not concerned with the present property, said property does not fall in the subject matter of the present appeal i.e., Ac.8-23 gts. It is not true to suggest that the appellants do not have any land in Sy. No.24 much less Ac.8-23 gts. It is not true to suggest that the subject matter in the LGCs covers the land in the present appeal. Witness adds, the Receiver's report will demonstrate that the land in LGC cases does not cover the subject matter land in the present appeal. It is not true to suggest that the Receiver's Report is incorrect.

I do not know about the common judgment in C.A. (Contempt Appeal) No.33 of 2017 and LPA No.1 of 2018 dated 16.08.2018 passed by the Hon'ble High Court. Witness adds, the aforementioned judgment is not concerned with appellants' property. It is true that I have read the judgment in C.A. (Contempt Appeal) No.33 of 2017 and LPA No.1 of 2018 dated 16.08.2018 passed by the Hon'ble High Court. It is true that the parties to the aforementioned Contempt Appeal and LPA have appealed before the Hon'ble Supreme Court of India in SLP Nos.24646 and 24647 of 2018 and they were dismissed vide order dated 29-10-2018. It is not true to suggest that the appellants do not have any right over the land in Sy.No.24 to an extent of Ac.8-23 gts., as claimed in this Application. It is not true to suggest I am deposing falsehood for the purpose of this case. Re-examination: Nil"

37. Deposition of RW-1, D.Amoy Kumar, S/o. Ashok, Occupation: District Collector, Ranga Reddy District, reads as under:

"Chief examination for marking documents:

The affidavit dated 31.03.2021 filed by RW-1 is taken on record in lieu of evidence in chief.

Ex.B-1: Certified copy of judgment in LGC No.5 of 1994 dated 28.10.1994 on the file of Special Court under A.P. Land Grabbing (Prohibition) Act at Hyderabad.

Ex.B-2: Certified copy of order in O.P. No.778 of 1998 dt.05.10.1998 on the file of the Special Tribunal under A.P. Land Grabbing (Prohibition) Act-cum-District Judge, R.R. District.

Ex.B-3: Certified copy of judgment in O.P. No.778 of 1990 dated 31.07.1992 on the file of the Special Tribunal under A.P. Land Grabbing (Prohibition) Act-cum-District Judge, R.R.District.

Ex.B-4: Copies of Pahanis/Adangals for the years 1965-66, 1971-72, 1973-74, 1975-75, 1983-84, 1985-86, 1987-88, 1993-94, 1995-96, 1999-2000, 2003-2004, 2005-2006, 2007-2008, 2010-11, 2014-15 and their translations.

Ex.B-5 Location sketch Map

Ex.B-6 Certified copy of Common Judgment in Contempt Appeal No.33/2017 and LPA No.1/2018 dated 16-08-2018 on the file of the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.

Ex.B-7 Copy of order in Special Leave to Appeal Nos.24646, 24647 of 2018 dated 29.10.2018 before the Hon'ble Supreme Court of India.

Cross examination by the counsel for the Appellants:

Exs.B-1 to B-7 are submitted in support of our claim that the subject matter property i.e., Ac.8-23 gts., in Sy.No.24 is Government land. It is not true to suggest that Ex.B-5 Location Map is not correct. It is true that the petitioners/appellants are not parties to Exs.B-1, B-2, B-3, B-6 and B-7. It is not true to suggest that Adangals/Pahanies marked under Ex.B-4 are false copies. It is not true to suggest that Ex.B-1, B-2, B-3, B-6 and B-7 are not relevant for adjudication of the present appeal. Witness adds, the land in Sy.No.24 to an extent of Ac.8-23 gts., is covered under these Exhibits. Witness further adds, documents Ex.B-6 and B-7 are arising out of judgment in C.S. No.7 of 1958. It is not true to suggest that I am deposing false.

Re-examination: Nil."

38. Thereafter, the Chief Judge, City Small Causes Court, Hyderabad, vide letter Lr.Dis. No.384/CSCC/ 2021, dated 03.04.2021 addressed to the Joint Registrar I/c.Original Side (OS) Section, High Court of the State of Telangana, Hyderabad, and had re-transmitted the entire file in Application No's.1234 of 2015 and 803 of 2014 in C.S. No.07 of 1958 on the file of the Hon'ble High Court for the State of Telangana, after recording the evidence adduced by both sides and

marking of documents as Exhibits A-1 to A-10 and B-1 to B-7 after duly indexed.

WRITTEN ARGUMENTS FILED ON BEHALF OF THE APPLICANTS:

39. In the written arguments filed on behalf of the Applicants it is submitted that this Court directed the District Collector to submit a report along with connected records. Thereafter, the Respondent No.51 District Collector filed a report on 14.04.2016 and on 09.06.2016 making very vague averments without answering to the claim of the Petitioners.

40. He would further submits that under the threat of political pressure the official respondents, who are public servants, have taken the matter as a matter of their prestige and wanted to change the physical features of the petition schedule property therefore the Petitioners were constrained to file Application No.1234 of 2015 in Application No.803 of 2013 in C.S. No.7 of 1958 on 08.10.2015 seeking a direction to the official respondents No.48 to 51 and all other persons claiming through or under them, not to make any construction or alter the nature of the petition schedule properties.

41. He would further submits that the present petition schedule property is forming part of Item No.9 of schedule A" annexed to the preliminary decree and since the same was under the exclusive physical possession of Defendant No.11 therefore it was also shown at Item No.8 of schedule "F annexed to the preliminary decree.

Thus, it is crystal clear that the petition schedule property is belonging to Paigah Asmanjahi and since the ancestor of the petitioner i.e. Defendant No.11 was in physical possession of the same the Petitioners having inherited and succeeded to deceased Defendant No.11, are entitled to grant of final decree and delivery of possession of the petition schedule properties and prayed this Court to allow the Application No.803 of 2013 and Application No.1234 of 2015 in C.S. No.7 of 1958.

SUBMISSIONS OF LEARNED ADDITIONAL ADVOCATE GENERAL SRI IMRAN KHAN

42. The learned Additional Advocate General Sri Imran Khan, while referring to the Cross Examination of P.W.1, would submit that the applicants have clearly admitted that they do not have title on the documents i.e. Exs.A-1 to A-10 in support of their case and that the subject property is in occupation of the Government from 1966 to till date and the Government Offices are constructed on the said property.

43. The learned counsel for the Applicants did not dispute the same.

44. Heard the learned counsel for the parties and perused the material made available on the record.

45. It is significant to note that in the Application No.803 of 2014, the applicants claims to be in possession of the subject property and no document is filed to that extent and no mutation proceedings were filed in favour of the applicants with respect to the Palaces and Bungalows bearing M.C. No.2-87 situated at Saroornagar village and Mandal Ranga Reddy District.

46. On a perusal of Ex.A-5: Adangal/Pahani for the year 1993-1994 the said document appears to have been issued under RTI Act and is not issued by the Revenue Department and no translation is furnished.

47. The Deponent submits that as per Ex.A-5, the land in Sy.No.24 consisting of total extent of Acs.8.23 gts., the Khatadar/Pattadar is shown as "Kancha" and enjoyers name is shown as "Sarkari", which means the then Government i.e., Asman Jahi Paigha. Further, currently the subject matter property is in occupation of the Government from 1966 to till date and Government Offices are constructed and are running in the said property.

48. The Applicants except relying upon communications had neither filed any proof of title nor proceedings to substantiate their possession on the subject lands.

49. Having regard to the facts and circumstances of the case and the submissions made by the learned counsel on either side, we are of the considered opinion that the Applicants could not substantiate

their case with respect to title and possession over the subject property as such, the relief as sought for in these applications cannot be granted and the Applications are devoid of merits and deserve to be dismissed.

Accordingly, Applications No.1234 of 2015 in/and 803 of 2014 in C.S. No.7 of 1958 are dismissed. There shall be no order as to costs.

Sd/- K. SRINIVAS RAO,
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chief Judge, City Small Causes Court, Hyderabad.
2. The Principal Secretary to Government, Revenue Department, Govt., of Andhra Pradesh (at Present Telangana) Secretariat Building, / Tank Bund, Hyderabad.
3. The District Collector, Hyderabad, Nampally, Hyderabad. /
4. The District Collector, Ranga Reddy District, Lakdi-ka-pul, Hyderabad.
5. Tahasildar, (Mandal Revenue Officer), Saroornagar Mandal, Ranga Reddy District.
6. Sri. M.A. Bari, (Sl.No.52), Receiver-cum-Commissioner, H.No 11-3-627, Mosque Road, New Mallepally, Hyderabad.
7. Sri. B. Shyam Sunder Rao., (Sl.No.53), Receiver-cum-Commissioner, H.No 11-3-627, Mosque Road, New Mallepally, Hyderabad.
8. One CC to SRI. MOHD NAVEED GHIYASUDDIN Advocate [OPUC]
9. One CC to SRI. CH. JANARDHAN REDDY Advocate [OPUC]
10. Two CCs to GP FOR APPEALS ,High Court for the State of Telangana. [OUT]
11. Two CCs to the Additional Advocate General, High Court for the State of Telangana at Hyderabad.
12. Two CD Copies

kul

HIGH COURT

HCJ & NVSKJ

DATED:09/01/2025



ORDER

APPLICATION Nos. 1234 OF 2015 IN/AND
APPL.No.803 of 2014
IN
C.S. NO. 7 OF 1958

DISMISSING THE BOTH APPLICATIONS

16 copies
16/4/25