

## **Bandari Ramachander and Others Vs The Special Court under A.P. Land Grabbing (Prohibition) Act and Others**

**Court:** Andhra Pradesh High Court

**Date of Decision:** April 16, 2003

**Acts Referred:** Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 â€” Section 2(11), 2(12), 24

Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 â€” Section 47, 48

Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 â€” Section 2, 8, 8(1)

Constitution of India, 1950 â€” Article 226

**Citation:** (2003) 4 ALD 429 : (2003) 3 ALT 292

**Hon'ble Judges:** C.V. Ramulu, J; B. Sudershan Reddy, J

**Bench:** Division Bench

**Advocate:** Challa Sitaramaiah for A.K. Narasimha Rao, E. Manohar, A. Satya Prasad, P. Sri Raghuram, Krovvidi Narsimham, M. Surender Rao, Fazal Yousufuddin, K.V. Satyanarayana, K.M. Mahender Reddy and S. Ashok Anand Kumar, for the Appellant; A.G., Govt. Pleader for Revenue, Ashok Anand Kumar, M.M. Firdos, B. Sudhakar Reddy, V. Venkataramana, Krovvidi Narsimham, Y. Rama Rao and A. Satya Prasad and Govt. Pleader for Land Grabbing, for the Respondent

**Final Decision:** Dismissed

### **Judgement**

@JUDGMENTTAG-ORDER

B. Sudershan Reddy, J.

These writ petitions may be disposed of by a common order, since they are all inter-connected and the questions

that require resolution in all of them are substantially the same.

2. W.P. Nos. 889, 1976, 2260, 2267 of 1998; 4156 and 13650 of 2000 are directed against the common judgment dated 31-12-1997 made in

L.G.C. Nos. 131 and 136 of 1995 by the Special Court under the Andhra Pradesh Land Grabbing (Prohibition) Act, Hyderabad (for short "the

Special Court"). W.P. Nos. 3062 and 3120 of 1998 are directed against the judgment dated 31-12-1997 made in L.G.C. No. 110 of 1994 and

W.P. No. 6240 of 1995 is directed against the common judgment dated 6-2-1995 made in L.G.C. Nos. 21 and 22 of 1994 by the Special Court.

3. Substantially the issues that arise for consideration are one and the same in all these writ petitions.

4. The relevant facts leading to filing of these writ petitions may have to be noticed in order to consider as to whether the impugned judgments

rendered by the Special Court are vitiated for any reason requiring our interference in exercise of certiorari jurisdiction. Whether the judgments

under review are vitiated by any error apparent on the face of the record, is the question that falls for our consideration.

W.P. Nos. 889, 1976, 2260, 2267 of 1998; 4156 and 13650 of 2000.

5. For the sake of convenience, the parties herein shall be referred to as arrayed in L.G.C. Nos. 131 and 136 of 1995.

6. Ravindra Cooperative Housing Society and four others (petitioners in W.P. No. 1976 of 1998) filed application in L.G.C. No. 131 of 1995

under sub-section (1) of Section 8 of the Andhra Pradesh Land Grabbing (Prohibition) Act (for short "the Act") for declaring the said society as

lawful possessor and applicants 2 to 5 as owners of an extent of Ac.40-00 of land forming part of Survey No. 100 of Miyapur village,

Serilingampally Municipality and for declaring one Bandari Ramachander and 27 others (respondents 1 to 28 in LGC No. 131 of 1995 as well as

in W.P. No. 1976 of 1998) as land grabbers and for initiating criminal action against them under the provisions of the Act.

7. The case set up by the applicants in LGC No. 131 of 1995 is that one Raheemunnisa Begum W/o. Abdul Salam was the pattedar of Survey

No. 100 of Miyapur village, Serilingampally Mandal and Municipality, Rangareddy District. The total extent of land in Survey No. 100 is Ac.277-

05 guntas. The said Raheemunnisa Begum sold an extent of Ac.140-00 in the said survey number to one Chandra Ramalingaiah, father of

applicants 2 to 5, Kavuri Venkata Subbarao, Y. Bhagyavathi, Dasari Laxmi, Venkata Subbayamma, Devineni Chandra Shekara Rao, Ravi

Savithri Devi and Kavuri Sarojini Devi jointly through a sale deed registered as document No. 11/1965 dated 5-1-1965. The required permission

of the Tahsildar, under Sections 47 and 48 of the Andhra Pradesh (Telangana Area) Tenancy & Agricultural Lands Act, 1950, was also obtained.

The application schedule land is the undivided share of late Chandra Ramalingaiah, father of applicants 2 to 5. They were in joint possession of the

lands purchased by them. Chandra Ramalingaiah, father of applicants 2 to 5 expired on 7-2-1973 and his estate was partitioned among his legal

heirs under an agreement of partition dated 15-4-1975. Thus the application schedule land fell to the share of applicants 2 to 5. It is further

pleaded that an extent of Ac.20-27 guntas fell to the share of the second applicant and the said extent is covered by Survey No. 100/D/7 forming

part of Survey No. 100/A. Applicants 3, 4 and 5 have got Ac.2-38 guntas each and the extents fell to their share are covered by Survey No.

100/D/8, 100/D/9 and 100/D/10 forming part of Survey No. 100/A. Their names were accordingly incorporated in the revenue records.

8. We may at once notice that the sub-divisions of Survey No. 100 referred to hereinabove were made for the convenience of applicants 2 to 5

inter se among themselves. There is no such sub-division of Survey No. 100 as per the revenue records.

9. The vendees under the sale deed No. 11/1965 dated 5-1-1965 are alleged to have partitioned the lands as per their shares and each one of

them have got separate extents of land towards their shares.

10. The first applicant-society is alleged to have entered into an agreement of sale on 8-3-1982 with the second applicant for sale of his share of

land admeasuring Ac.20-27 guntas. Similar agreements were entered into with applicants 3, 4, and 5. Applicants 2 to 5 delivered the vacant

physical possession of the land to the first applicant-society towards part performance of agreements of sale. The first applicant-society also claims

that the rest of the land in possession of the others, who purchased under the sale deed No. 11/1965, has also been purchased by it. Thus the first

applicant-society claims to have come into possession of Ac.100-00 of land in Survey No. 100 of Miyapur village. However, sale deeds could not

be executed in favour of the first applicant-society for want of exemption/permission under the Urban Land (Ceiling and Regulation) Act, 1976

from the State Government.

11. In the meanwhile, the Government proposed to acquire a portion of the land in question for a public purpose under the provisions of the Land

Acquisition Act, 1894 and the same was challenged by the first applicant-society by filing W.P. No. 10094 of 1985. The notification issued under

the provisions of the Land Acquisition Act was quashed by this Court in its Judgment dated 19-12-1985.

12. It is further pleaded that on 20th October, 1989 a notice cautioning the public in general not to enter into any transaction for purchase of any

portion of the land in Survey No. 100 of Miyapur village was got published in the local newspapers by one Shahjahani Begum and others claiming

right of ownership over the land in Survey No. 100 which includes the application schedule land. The said Shahjahani Begum and others claim to

be the legal heirs of late Nawab Khaiseruddin Khan. They have made an attempt to sell the land in Survey No. 100 belonging to Kavuri Venkata

Kutumba Rao and others referred to hereinabove who purchased the same under sale deed document No. 11/1965 dated 5-1-1965 along with

the father of applicants 2 to 5. The said Kavuri Venkata Kutumba Rao and others filed O.P. Nos. 460 and 461 of 1991 before the Special

Tribunal under the Act against the said Shahjahani Begum and others who were making attempts to sell the lands claiming to be the owners

thereof. The said O.Ps., were transferred to the Special Court and they were numbered as L.G.C. Nos. 21 and 22 of 1994.

13. On 5-5-1995, the Andhra Pradesh Police Men Cooperative Housing Society (respondent No. 24 in LGC No. 131 of 1995 and petitioner in

W.P. No. 4156 of 2000), represented by its Chief Promoter got published a public notice duly informing the public that the legal heirs of

Raheemunnisa Begum, W/o. Moinuddowla represented by the first respondent entered into an agreement of sale with the said society for the sale

of an extent of Ac.100-00 of land in Survey No. 100 of Miyapur village.

14. It is the further case of the applicants that Raheemunnisa Begum, W/o. Moinuddowla Bahadur through whom respondents 1 to 28 claim right

of ownership was never the pattedar of the land at any time.

15. It is alleged that the respondents have made organised attempts to occupy the land in the possession of the applicants and the members of the

first applicant-society. Respondents 1 to 23 removed the boundary stones and planted sign boards. On the boards it was written that the land

belonged to respondents 2 to 23. "Owing to timely intervention of T.K. Dhanraj Vice President of the applicant society, the respondents could not

grab the land." As the respondents have made organised attempts, they are the land grabbers within the meaning of Section 2 (d) and 2 (e) of the

Act.

16. Interestingly enough, the first respondent filed a detailed and comprehensive counter affidavit on behalf of not only respondents 2 to 22 on the

strength of various deeds of General Power of Attorney purported to have been executed in his favour, but also on behalf of respondents 23 as

well as respondents 24 and 25. Respondent No. 24 is the A.P. Policemen Cooperative Housing Society represented by its Chief Promoter S.R.

Tiwari, IPS. The said Tiwari himself is impleaded as respondent No. 25. The first respondent in his capacity as General Power of Attorney agent

of respondents 2 to 22 is alleged to have entered into an agreement of sale with respondent No. 23 for an extent of Ac.40-00 of land. He also

claims to have executed another agreement of sale dated 17-7-1995 in favour of the 24th respondent for an extent of Ac.100-00 of land in the

same survey number.

17. The case set up by the first respondent is that respondents 2 to 22 are the owners being the successors of Janaba Raheemunnisa Begum

Saheba W/o. Moinuddowla Bahadur. She was the original pattedar of the entire extent of Ac.277-05 guntas of land in Survey No. 100 of

Miyapur village. She died on 13-3-1970 leaving behind respondents 2 to 22 as her legal heirs.

18. The first applicant-society is one of the bogus societies and it fabricated documents to show that the applicants have acquired title to the land

through a fictitious person by name Raheemunnisa Begum.

19. It is further pleaded that taking advantage of the judgment in L.G.C. Nos. 21 and 22 of 1994, dated 6-2-1995, the first applicant-society

along with its henchmen tried to occupy the land in Survey No. 100 of Miyapur village. The mutation proceedings pending before the Mandal

Revenue Officer were not brought to the notice of the Special Court during the pendency of L.G.C. Nos. 21 and 22 of 1994.

20. It is the specific case set up by the first respondent that the entire Miyapur village is a part of Asman Jahi Paigah estate. This village was

purchased by Nawab Rafee Ood-Khan-Bahadur Shums-ool-Oomrah Ameer-Khabeer and Co-Regent. It is Jhar Kharid Inam village. The said

village was allotted for performance of ceremonial rites and payment to the women of Janana. The village devolved on the successors of Sir Asman

Jahi Paigah and only Nawab Moin-un-Dowla Bahadur was holding the property, being the custodian (Amir-e-paiga) of the said village in terms of

the "Firmana" dated 15th Isfandar 1338 Fasli issued by H.E.H. the Nizam. In terms of the Firmana the Amir-E-Paiga (custodian) can supervise

the property but he has no right to alienate the same. Jagirs were abolished in the year 1949. An enquiry into the issue of Munthakab for Sir

Asman Jahi Paigah Jagir villages under the Jagir Abolition Regulations was considered and Munthakab Number 3 dated 14-2-1983 was

accordingly issued. During the enquiry, a doubt arose as to the inclusion of the Jhar Kharid Maqtha villages in the list of Jagir villages. The list of

Jagir villages was notified in the Gazette dated 20-1-1960. Later these villages were deleted from the list of Jagir villages. As the Miyapur village

was treated as Jagir village till about 1982, the property in question could not have been alienated.

21. The sale deed - document No. 11/1965 dated 5-1-1965 transferring the property in question is a fabricated and invalid document.

22. The name of Janaba Raheemunnisa Begum Saheba was recorded in the Fauthi (similar to Pahani) against the Survey Nos. 100 and 101 of

Miyapur village. The sale deed dated 5-1-1965 executed by Raheemunnisa Begum W/o. Abdul Salam is a forged document brought into

existence with a view to grab the land in question. The village Miyapur belongs to the estate of Asman Jahi Paigah, which devolved on Janaba

Raheemunnisa Begum Saheba w/o. Nawab Moinuddowla Bahadur, and on her death it is devolved on respondents 2 to 22 being the legal heirs

and successors of Nawab Moin-ud-dowla Bahadur.

23. The State of Andhra Pradesh represented by the District Collector, Rangareddy District was impleaded as respondent No. 29 as per the

orders of the Special Court dated 10-9-1996.

24. The case of the State is that the lands in survey Nos. 100 and 101 of Miyapur village are classified as Poramboke in the Classer Register and

also in the Sethwar pertaining to the year 1323 Fasli. The village Miyapur was surveyed in the year 1323 Fasli i.e. 1912 AD. As per the

Settlement records available there are no Tippons for these survey numbers and it is a gut number. In the pahanies for the years 1950-51, under

the head "namkhita" (name of the field) in column No. 11, it is entered as Poramboke. In Column No. 12, it is written as "Sarkari". But in the

column pertaining to pattedar, the name of one Rahemunnisa Begum is written.

25. It is specifically stated that Miyapur village and three other villages, viz., Bahadurpalle, Kesarjawalge and Wakalgaon are Jagir villages. After

the commencement of the Andhra Pradesh (Telangana Area) Abolition of Jagirs Regulation 1358 Fasli, all the Jagirs in erstwhile Hyderabad State

were taken over by the Government and transferred to Diwani. The Jagir Administrator, Hyderabad determined the commutation sum in respect of

the above four jagir villages provisionally as Rs.1,20,363-12 paise in favour of the Jagirdar, Khaisaruddin Khan and as per the proceedings of the

Nizam Atiyat dated 25-10-1957 the payment of commutation amount to the Jagirdar Khaisaruddin Khan was continued pending Inam enquiry in

respect of the above said four villages by issuing an Award No. 1495, dated 8-4-1958 to that effect.

26. It is further pleaded that the documents obtained by Smt. Raheemunnisa Begum wife of Abdul Salam is a product of fraud and

misrepresentation. The lands in question have been classified as Kancha, which absolutely vest in the State. The lands in question cannot be treated

as private lands at all.

27. Mere entries in some of the revenue records by themselves do not confer any right, title or interest in the lands in favour of those persons

whose names are entered in some of the revenue records. In nutshell, it is the case of the State that the land in question is ""Sarkari"" land.

28. In the light of the above pleadings, the following issues were framed by the Special Court for trial:

1. Whether the applicant-society is the owner of the application schedule land?
2. Whether the rival title set up by the respondents 1 to 28 is valid and true?
3. Whether the owner of the application schedule land forming part of Survey No. 100 of Miyapur village is the Government?
4. Whether the respondents 1 to 28 are land grabbers within the meaning of Section 2 (d) and 2 (e) of the Act?
5. To what relief?

29. L.G.C. No. 136 of 1995 is filed by the Maitri Cooperative Housing Society Limited (petitioner in W.P. No. 2267 of 1998) claiming to be the

lawful possessor of an extent of Ac.30-00 of land forming part of Survey No. 100, sub-division No. 100/A/Part of Miyapur village,

Serilingampally Municipality. It is not necessary to notice the pleadings in detail since the title to the said land is claimed through the same

Raheemunnisa Begum, wife of Abdul Salam. The applicant-society purchased the said land from respondents 29 and 30 who in turn purchased the

same under sale deed No. 11/1965, dated 5-1-1965 referred to hereinabove. Similar issues were framed in L.G.C. No. 136 of 1995 also.

30. In all five witnesses were examined on behalf of the applicants and Ex.A1 to Ex.A43 were marked. RWs 1 to 11 were examined and Ex.B1

to Ex.B83 were marked on behalf of the respondents. Advocate-Commissioner was examined as CW1, and Ex.C1 to Ex.C13 were marked by

the Court.

31. The Special Court upon appreciation of both the oral and documentary evidence and after an elaborate consideration of the matter found that

Miyapur village was a part of paigah estate and the entire administration of the said village was transferred to the Administration of the Government

in Jagir and that the same was not the personal property or home farm land of the paigah. The plea set up by the applicants that Raheemunnisa

Begum W/o. Abdul Salam was the pattadar of the land has been rejected. The Special Court found that the entire land forming part of Survey No.

100 of Miyapur village is the government poramboke land. The applicants as well as respondents excluding respondent No. 29 in LGC No. 131

of 1995 (State of Andhra Pradesh) were found to be the land grabbers within the meaning of that expression in Section 2 (d) and 2 (e) of the Act.

The Special Court accordingly dismissed LGC Nos. 131 and 136 of 1995.

32. Both the rival claimants are before us in this batch of writ petitions assailing the legality and correctness of the Judgment of the Special Court.

33. Sri Challa Sitaramaiah, learned Senior Counsel appearing on behalf of the 24th respondent (petitioner in W.P. Nos. 4156 and 13650 of 2000)

contended that the Special Court failed to consider the effect of Ex.B37 and Ex.B11 and also failed to determine whether Miyapur village is a part

of Asman Jahi Paigah or Vicar-ul-oomarah Paigah. It is further contended by the learned Senior Counsel that the Special Court ought not to have

relied on the Sethwar to hold that the land in question is a government land. The lands in question, according to the learned Senior Counsel, were

the personal properties ""Zat Jagir"", as is evident from the Firman issued in 1929 (Ex.B11). They were the personal properties of Raheemunnisa

Begum. The learned Senior Counsel contended that the Special Court failed to consider these relevant aspects of the matter and in the process

committed an error apparent on the face of the record in coming to the conclusion that the lands in question belong to the Government. The learned

Senior Counsel pleaded for sending the matter back to the Special Court for reconsideration.

34. Sri Krovvidi Narasimham, learned counsel for the applicants in LGC No. 131 of 1995 (petitioners in W.P. No. 1976 of 1998) contended that

the lands in question were not Jagir lands at all. It was submitted that Raheemunnisa Begum, wife of Abdul Salam was the true and absolute owner

and pattedar of the lands in question, from whom the predecessor in title purchased under the registered sale deed dated 5-1-1965. The entries in

revenue records including the Khasra Pahani for the year 1954-55 clinchingly establish the right, title and interest held by Raheemunnisa Begum,

wife of Abdul Salam. The Special Court committed an error in declaring the lands to be of the Government.

35. Sri E. Manohar, learned Senior Counsel appearing on behalf of respondents 1 to 22 in LGCs (petitioners in W.P. No. 889 and 2260 of 1998)

contended that the applications filed under sub-section (1) of Section 8 of the Act do not satisfy the ingredients of the definition "land grabbing"

and, therefore not maintainable in law. It is contended that the Special Court ought not to have taken cognizance of the proceedings for the simple

reason that the applications do not reveal any cause of action. An application under sub-section (1) of Section 8 of the Act cannot be entertained

on such vague and indefinite allegations as the one leveled in the present applications.

36. The learned Advocate General appearing on behalf of the State of Andhra Pradesh submitted that the applicants miserably failed to establish

their title in respect of the lands in question. It was submitted that the earliest available revenue records and the entries made therein clinchingly

establish that the land in Survey No. 100 of Miyapur village was classified as Poramboke and not registered in the name of any Jagirdar or

individual. Learned Advocate General contended that Ex.B11 - Firman upon which heavy reliance is placed by the learned Senior Counsel

appearing on behalf of the petitioner in W.P. Nos. 4156 and 13650 of 2000 does not throw any light on the crucial question as to whether

Miyapur village had been actually allotted to Asman Jahi Paigah. There is no reference to Miyapur village in this Firman. In the absence of any such

reference, this Firman Ex.B11 is of no help. Learned Advocate General relied upon Ex.B66 - certified copy of deposition of Mohammad

Quisaruddin Khan that he was a descendant in Vicar-UI-Umrah Paigah with specific reference to Miyapur and three other villages.

37. Before we undertake to critically examine the submissions made during the course of hearing of this batch of writ petitions, it may be necessary

to briefly indicate the parameters of judicial review as against the orders passed by the Special Court under the provisions of the Act.

38. This Court does not exercise any appellate jurisdiction over the orders/judgments passed by the Special Court. It is totally impermissible to re-

appreciate the evidence and material available on record in order to substitute the findings for that of the Special Court. This Court merely

exercises supervisory jurisdiction under Article 226 of the Constitution of India in order to judicially review the decisions of the Special Court. This

Court may interfere only when it is satisfied that the Special Court excluded any relevant material from its consideration and may also interfere if the

findings are recorded relying upon any irrelevant material. Error committed in applying legal principles is, of course, a ground for interference.

39. The question that falls for consideration is as to whether the Special Court, as contended by the learned Senior Counsel, failed to consider the

documents Ex.B11 and Ex.B37 filed by the first respondent? Whether those documents at all reveal that the land in question was the personal

property of Raheemunnisa Begum?

40. Reliance is placed upon Ex.B11 in support of the contention that Miyapur village was "Zat Jagir" and forms part of personal properties of

Jagirdar of Asman Jahi Paigah.

41. As rightly contended by the learned Advocate General the plea that Miyapur village is a "Zat Jagir" is put forward for the first time in the

course of arguments in the writ petitions. There is no such plea raised before the Special Court. The actual plea taken by respondents 1 to 22, 24

and 25 in the Special Court is to the following effect:

I submit that the respondent Nos. 2 to 22 are the absolute owners and successors of their ancestors to an extent of Ac.277.05 guntas covered by

Survey No. 100 situated at Miyapur village, Rangareddy District. It is submitted that one Janaba Rahumunnisa Begum Saheba w/o Nawab Moin-

ud-Dowla Bahadur was original pattedar of the above mentioned land. The said Rahimunnisa Begum Saheba W/o. Nawab Moin-ud-Dowla

Bahadur died on 13-3-1970 leaving behind the respondents 2 to 22 as her successors. Since then the respondents 2 to 22 herein are in peaceful

possession and enjoyment of the land admeasuring Ac.277.05 guntas in Survey No. 100 of Miyapur village, Rangareddy District.

42. It is interesting to notice the further plea taken by respondents 1 to 22, 24 and 25 which is to the following effect:

I submit that entire Miyapur Village is a part of Asman Jah Paiga Estate. During the Nizam time, if a complete village was given to Inamdar it was

called ""JAGIR"", which could have come with condition to render a service or without any service. If a Jagirdar was under obligation to pay land

revenue to the Nizam or to the Government, the said Jagirdar was called as ""PAN MAKTHA"". In case no revenue is payable it was called ""MAFI

INAM"". I further submit that where a person purchased Inam land for a consideration it was called ""JARKARID/INAM"". The Miyapur village is

one such village purchased.....by Nawab Rafee Ood-Khan-Bahadur Shuma-ool-Oomrah, Amir-Kabir & Co-Regent same is evident from

the Book of Proceedings issued in respect of the succession to the property and titles of the said Nawab. The original of the Book of Proceedings

are available with the State Archives same can be called for verification by this Hon"ble Court. As per Exhibit-D annexed to the Will Deed, the

Village Miyapur allotted for the purpose of performance of ceremonial rights and payment to the women of Janana. Thereafter the entire village of

Miyapur devolved on the successors of Sir Asman Jah Paiga and only Nawab Moin-ud-Dowla Bahadur was holding the property being the

custodian (AMIR-E-PAIGA) of the said village in terms of the Farman issued by the H.E.H. Nizams dated 15th Isfander 1338 Fasli. As per the

terms of the said Farman the Amir-E-Paiga can supervise the property but has no right to alienate the same.

43. It is thus clear that there is no plea taken by the respondents that Miyapur village is a ""Zat Jagir"".

44. RW1 claims to be the general power of attorney agent of respondents 2 to 22. He is the son of patwari of the village. In his evidence it is

stated that ""Raheemunnisa Begum became entitled to the property under the assignment from Tahsildar. I have not filed the said assignment order

granted in favour of Raheemunnisa Begum"". This portion of evidence coupled with the specific pleas taken in the counter would make it clear that

the respondents are setting up altogether a new case for the first time during the course of hearing of these writ petitions. Such a course is not

permissible. No doubt an attempt has been made by the learned Senior Counsel to invite the attention of the Court as to the historical background

of the grant. We are not inclined to go into the same for the first time in these writ petitions without there being any proper foundation in the

pleadings.

45. The Special Court referred to the contention that the village Miyapur being the personal gift in favour of Nawab Moinuddowla Bahadur by his

paternal uncle Nawab Rafiuddin Khan, the entire village Miyapur was the personal property of Nawab Moinuddowla Bahadur and that the

gift/grant of land situated in Survey No. 100 and 101 of Miyapur village by Nawab Moinuddowla Bahadur in favour of his wife Janaba

Raheemunnisa Begum has also to be regarded as the personal property of Janaba Raheemunnisa Begum Saheba. The Special Court referred to

Ex.B11, Ex.B14, Ex.B14A, Ex.B37 and Ex.B38. Ex.B11 is the English version of Firmana dated 5th Shahban 1347 Hizri i.e. 17th January 1929.

Order II of the said Firmana deals with mutual relations of the Government and the Paigahs. Provision 3 of the said order reads as follows:

(3) No paigah Amir shall have authority without my previous sanction to grant any portion of the jagirs to any person, or to sell, purchase or

mortgage the same, or to farm them out on contract to any one or to obtain any loan from any person on the security thereof.

46. The Special Court relying upon a Full Bench decision of the High Court of Hyderabad reported in AIR 1954 Hyderabad 227 came to the right

conclusion that the Ameer-e-paigah (custodian) had no authority to grant any portion of paigah estate to any person without the prior sanction of

the Ruler.

47. The Special Court held that if Miyapur village was the private property, Ameer-e-paigah, his name should have figured as such in the records

against the said survey numbers. The name of Ameer-e-paigah was not recorded in the column meant for recording the name of Karada/ name of

inamdar. The Special Court found that the lands lie within the limits of paigah and they cannot be regarded as personally held by the jagirdar in

view of the admission that Miyapur village was a part of paigah estate. The Special Court found that it is immaterial whether it is in Asman Jahi

Paigah or Vicar-ul-umrah paigah. In either case, the holder of paigah cannot alienate the land in favour of any one and the property in paigah estate

was inalienable during the lifetime of estate holder without the sanction of the Ruler.

48. The Special Court did not omit any material evidence from its consideration. It has in extenso referred to Ex.B11 - Firmana as well as Ex.B37

- Relevant entry at page 103 in the book proceedings relating to the claims of Nawab Mohtashim-ud-dowla and Nawab Basheeruddowla

Bahadur of Hyderabad Deccan in ""Shamsul umrah paigah"".

49. The Special Court rightly relied upon an un-reported decision of this Court dated 2-8-1977 in C.C.C. Appeal No. 43 of 1974 in support of

its conclusion that the grant was only for the life time of the grantee and that, on the death of the grantee it reverted to the Crown and it was in the

sole discretion of the Ruler to grant it or not to the successors of the deceased grantee, or to grant it in favour of any one he liked. The grantee had

no power to sell, mortgage or otherwise encumber the grant without the prior sanction of the Ruler; and that the Rules framed for the guidance of

the Atiyat Court in succession matters did not, in any manner, qualify or abridge the absolute rights of the Ruler.

50. The Special Court in categorical terms, on appreciation of evidence, found that there is no succession in legal sense to the paigah property,

which was inalienable and was not heritable. In view of the said legal position, the Special Court concluded that even if it is assumed that the land in

Survey No. 100 of Miyapur village was given as grant, the grant reverts to the Nizam of Hyderabad on her death or on the death of the Nawab

Moinuddowla the chief custodian of the Ameer-e-paigah of Asman Jahi paigah, if her death occurs before the commencement of the Regulation

1358 Fasli.

51. We have already referred to the evidence of RW1 making assertion that Raheemunnisa Begum, wife of Moinuddowla Bahadur became

entitled for the property under an assignment from the Tahsildar. There is no evidence let in by the respondents disclosing their continuous

possession of the land. Nor there is any evidence of such assignment.

52. The Firman - Ex.B11 upon which reliance has been placed by respondents 1 to 22, 24 and 25 merely reveals the confirmation of different

shares/grants in favour of paigahs. This document in no way renders any assistance to discern as to whether Miyapur village had been actually

allotted to Asman Jahi Paigah. There is no reference to Miyapur village in this Firman. On the other hand Ex.B66 read with Ex.B81 and Ex.B73

reveal that Miyapur is a part of Vicar-UI-Umrah Paigah. Ex.B66 is a statement of Mohd. Khaiseruddin Khan S/o. Nawab Basheer Bahadur Jung.

According to his statement, the four villages of paigah including Miyapur were in possession of his mother Rafiunnisa Begum Saheba. Ex.B67 is a

statement by Mir Moinuddin Ali Khan S/o. Azmathulla Bahadur Shaik. Ex.B68 is a statement of Nawab Mohd. Moinuddin Khan and Ex.B69 is a

deposition (statement) of Nawab Jaheer Yar Jung S/o. Nawab Moinuddowla. These statements were recorded by the Commissioner and

Assistant Secretary, Department of Board of Paigah, about ten years after abolition of paigahs/jagirs and they show that the village Miyapur and

other three villages were jagir villages. No compensation amount was paid to the legal heirs of Raheemunnisa Begum W/o. Moinuddowla Bahadur.

The legal heirs of Raheemunnisa Begum never questioned the same. It is under those circumstances, the Special Court came to the conclusion that

it is clear from a combined reading of Ex.B63 to Ex.B69 that Miyapur was one of the four villages included in the paigah estate and that commuted

sum was paid to Khaiseruddin, the jagirdar of the said four villages. The Special Court found that there is no reason to doubt the authenticity of the

said documents.

53. The Special Court also noticed that neither the applicants nor respondents 1 to 28 have filed any documents evidencing any personal

cultivation of the land and payment of land revenue prior to 1949. There is nothing on record to show that Janaba Raheemunnisa Begum Saheba

was a jagir pattedar and cultivated the land. Nor there is any evidence to show that the properties were her personal properties.

54. The Special Court also found that the name of Janaba Raheemunnisa Begum Saheba was wrongly recorded in pahanies 1950-51, 1951-52,

1952-53 and khasra and that the entries were surreptitiously made and her name was recorded in the subsequent pahanies on the basis of those

wrong entries. This finding of the Special Court is required to be appreciated particularly in the context that RW1 being the son of Patwari is

behind this whole litigation. The whole litigation appears to be his brainchild.

55. The law relating to Crown Grants obtaining in the former Nizams' Dominions is well settled by the several decisions of the former Hyderabad

High Court as well as the subsequent decisions of this Court and the Supreme Court. The sum and substance of the law declared is that every

grant made by the Ruler was only for the lifetime of the grantee. On the death of the grantee, the grant reverted to the Crown and it was in the sole

discretion of the Crown either to re-grant it, or not. It was open to the Crown to re-grant it to the heirs and successors of the previous grantee, or

to one or more of them, or to total stranger. The grants were of several kinds and were known under different expressions, viz., "Jagir,

"Samasthan", "Maktha", "Inam", etc. The fact remains that each one of them was a grant and was governed by the same rule referred to

hereinabove. If the grant was of a whole village, it was generally referred to as "Jagir" or "Samasthan"; but, if the grant pertained only to a certain

land in a given village, it was called "Inam" or "Maktha" as the case may be.

56. Regulation 2 (f) of the Andhra Pradesh (Telangana Area) (Abolition of Jagirs) Regulation, 1358 Fasli (for short "the 1358 Fasli Regulation")

defines "Jagir". "Jagir" includes a Paigah, Samasthan, part of a jagir, village Muktha, village Agrahar, Umli and Mukasa, whether granted by a

Ruler or a Jagirdar, and, as respects the period commencing on the date appointed for a Jagir u/s 5, means the estate therefore constituting a Jagir.

57. The learned Senior Counsel, Sri C. Sitaramaiah, rightly drew the distinction between ""home farm"" (Seri Khudhkash) of a Jagirdar and the

personal property"" of a Jagirdar. Regulation 17 of the 1358 Fasli Regulation declares that nothing in this regulation shall affect the home farm (Seri

Khudhkash) of a Jagirdar, subject to any law for the time being in force, he shall continue to hold such home farm lands. The learned Senior

Counsel submitted that the Special Court misdirected itself in rejecting the claim of the respondents 1 to 22, 24 and 25 on the ground that there is

no evidence to satisfy that the lands in question were under the personal cultivation of Raheemunnisa Begum Saheba. The conclusion reached by

the Special Court is that the land in question being the wasteland cannot be characterised as a home farm. It is submitted that the whole approach

adopted by the Special Court in rejecting the claim of the respondents is erroneous.

58. The learned Senior Counsel pointed out that Regulation 18 itself declares that nothing in the regulation shall effect the personal property of a

Jagirdar or Hissedar or any property other than the jagir held by a Jagirdar on behalf of the Hissedars.

59. But the question that falls for consideration is as to whether there is any evidence to hold that the lands in question were the personal properties

of the Jagirdar?

60. It is an admitted case that the whole of the village Miyapur was granted as a jagir. In such view of the matter there could not have been any

personal property of Raheemunnisa Begum Saheba or her predecessor in title in a jagir village. At any rate, there is no such evidence let in by the

parties.

61. The learned Senior Counsel referred to the meaning of "'Zat Jagir'" in Glossary of Judicial and Revenue Terms of H.H. Wilson, which is to the

following effect:

Zat'" means, possessed of, master, owner; person; essence, etc.

62. But when it comes to the expression "'Jat (for Zati) jagir, or Saranjam, incorrectly, Zat-suram-zam'" it means a grant of the revenues of the lands

alienated from the government revenue in favour of individuals, either as a personal favour, or on the condition of personal service; a personal

grant.

63. This meaning assigned to "Jat Jagir" in no manner supports the case and the point urged by the learned Senior Counsel. What is alienated as a

personal favour is only a grant of the revenues of the lands from the government revenue. The land as such is not granted. 1358 Fasli Regulation

abolishes all jagirs and declares that the jagir shall be included in the Diwani and shall be administered by the Jagir Administrator. Only home farm

(Seri Khudhkasht) of a Jagirdar or Hissedar and the personal property of a Jagirdar alone are saved from the operation of the Regulation.

64. In such view of the matter, it is not possible to accept the submissions made by the learned Senior Counsel that the land itself has been granted

to Raheemunnisa Begum Saheba as "Jat Jagir". Even if it is so she does not get any title to the land, as what could have been granted is only

revenues of lands either as a personal favour or on the condition of rendering service and that too as a PERSONAL GRANT.

65. We could have as well rejected the contention summarily since there has been no such plea taken by the respondents in the Court below. But

in order to put an end to this controversy we have examined the submission minutely and find no substance in it.

66. For all the aforesaid reasons, we hold that Raheemunnisa Begum Saheba had no title whatsoever in respect of the land in question.

Consequently, respondents 2 to 22 do not have any valid title whatsoever so as to be conveyed the same to respondent No. 23.

67. Now the question remained to be considered is whether the applicants have made out any case and established their title to the lands in

question?

68. The applicants claim title to the application schedule land based on documents Ex.A1 to Ex.A43. The Special Court adverted to each of the

documents and found that none of them establishes any title of the applicants to the schedule land. The applicants claim title to the schedule land as

purchasers from Raheemunnisa Begum, wife of Abdul Salam. According to them, Raheemunnisa Begum, wife of Abdul Salam was the owner and

pattadar of a large extent of Ac.277-05 guntas of land in Survey No. 100 and an extent of Ac.273.34 guntas in Survey No. 101 of Miyapur

village, Rangareddy District. Being the owner, Raheemunnisa Begum, wife of Abdul Salam filed a declaration under the provisions of Andhra

Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 and she was found to be the surplus landholder of an extent of Ac.118-32

guntas. She accordingly surrendered the same to the Government from out of the lands in Survey No. 101 of Miyapur village. Thereafter, she

applied for permission to sell an extent of Ac.141-00 of land out of Survey No. 100 to Kavuri Kutumba Rao and six others under Sections 47 and

48 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950. She was granted permission under Ex.A2 by the

Tahsildar, Hyderabad West. Similar permissions were granted to sell other lands also. Such permissions were granted after compliance of all the

requirements in law and that after obtaining such permission she executed registered sale deed dated 5-1-1965 under Ex.A3. The purchasers,

thereafter, filed declarations under the provisions of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 showing the details of the

lands purchased by them from their vendor Raheemunnisa Begum wife of Abdul Salam. They have applied for mutation under the provisions of the

A.P. Rights in Land and Pattadar Pass Books Act, 1971 and the Mandal Revenue Officer on the direction of the Revenue Divisional Officer

conducted the enquiry and ordered the mutation in the names of the purchasers.

69. It is also their case that Ex.B49 - extracts of pahanies 1950-53 show the name of Raheemunnisa Begum wife of Abdul Salam as pattadar of

the lands in question. Ex.B16 khasra pahani of 1954-55 also discloses the name of Raheemunnisa Begum, wife of Abdul Salam. Ex.B17 - seesala

pahani of 1956-58 also reveals the name of Raheemunnisa Begum, wife of Abdul Salam as pattedar and person in possession of the lands. Ex.B18

to Ex.B21 are the pahanies for the years 1958-59 to 1964-65. It is in short the sum and substance of the case of the applicants.

70. The Special Court relied upon Ex.B52 Classer register of Miyapur village and the pucca book prepared on conclusion of survey operations

some time in 1322 Fasli. Ex.B52 reveals that Survey Nos. 100 and 101 are classified as Poramboke. However, in the pahanies for the years

1950-51, 1951-52 and 1952-53 and khasra pahani for the year 1954-55, the name of Raheemunnisa Begum is shown as pattedar of the land in

Survey Nos. 100 and 101 of Miyapur village. The Special Court found that no reliable evidence has been produced by the applicants as to how

the name of Raheemunnisa Begum wife of Abdul Salam could have been recorded as pattedar in respect of the land, which is admittedly classified

as poramboke. The same pahanies of 1950-51, 1951-52 and 1952-53 and khasra pahani of 1954-55 show that the land in question is described

as "kancha poramboke" land. There is no evidence of cultivation of the lands in question.

71. The land, which does not yield revenue to Government, is usually known as Poramboke though several kinds of lands are included in it.

Ordinarily unassessed waste though overgrown with grass or trees is included and is accordingly classified as Poramboke.

72. The land in question is classified as kancha poramboke. It is uncultivable land where perhaps some grass is grown (grazing land).

73. The Special Court held that in view of its finding that Miyapur village which was a piagah village until they were abolished on 15-9-1949, the

name of Raheemunnisa Begum, wife of Abdul Salam could not have been recorded as pattedar. It is not the case of the applicants that they were

the personal properties of Raheemunnisa Begum, wife of Abdul Salam, but located in a jagir village. She was not a ryot cultivating the lands in a

jagir village. In the Classer Register as against column for recording the name of Karada/name of inamdar, "poramboke" is recorded. In the case

of some other survey numbers, the names of actual cultivators or inamdars are recorded.

74. It is under those circumstances, the Special Court came to the conclusion that the name of Raheemunnisa Begum, wife of Abdul Salam was

recorded as pattedar on the basis of her name figuring in the column meant for recording the name of Khathedar/pattadar surreptitiously with the

connivance of the custodian of the records. The Special Court noticed that the entries in the relevant columns of pahanies and khasra produced by

the applicants themselves show that the land was kept fallow.

75. The Special Court found that mere recording the name of Raheemunnisa Begum in the pahanies for the years 1950-51, 1951-52 and 1952-53

and khasra pahani for the year 1954-55 in collusion with the custodian of the records would not create or confer any right of ownership over the

land.

76. Section 2 (11) of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli defines "Pattadar".

"Pattadar" means the person who

is directly responsible to the Government for payment of land revenue and whose name has been entered as such in Government records whether

he be personally in possession of the holding or through his Shikmidar.

77. According to Section 2 (12), "Shikmidar" means the person who like Pattadar possesses a title to the land or who from the beginning has been

jointly in possession of the land with the Pattadar or who, before the commencement of this Act has acquired by virtue of any regulation in force,

or may acquire by virtue of that law the right of a Shikmidar.

78. Section 24 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli declares that all public roads, lanes, paths, etc., and all

lands, wherever situated, together with all rights appertaining thereto are the property of the Government excepting those belonging to persons or

class legally capable of holding property and to the extent so far as their such rights are established; and those in respect of which any other order

under any law may have been given.

79. According to sub-section (6) of Section 2, "to hold land" or "to be a land holder" of land means to be lawfully in possession of land whether

such possession is actual or not.

80. In respect of poramboke land no land revenue is liable to be levied. It is a fallow land in respect of which no land revenue could be collected.

No patta as such could have been granted in respect of such land. In such circumstances, the name of Raheemunnisa Begum, wife of Abdul Salam

could not have been entered as pattedar in the government records. The land, which is classified as poramboke, could not have been in lawful

possession of any individual. There is nothing on record to show that Raheemunnisa Begum, wife of Abdul Salam remained in lawful possession of

the land in Survey No. 100 of Miyapur village, Serilingampally Mandal. Wrong and manipulated entries in the revenue records by themselves do

not create any title in favour of such persons whose names are so entered in the revenue records.

81. Mere fact that Raheemunnisa Begum, wife of Abdul Salam filed a declaration before the competent authority under the provisions of the

Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 is not enough to conclude that she is the owner of the application

schedule land. The determination, if any, made by the Tribunal constituted under the provisions of the said Act is regarded only for the purpose of

determination of ceiling area in the villages. The decisions rendered by such limited Tribunals by themselves do not confer any right or title upon any

individual. The same principle would be applicable in respect of the proceedings under Sections 47 and 48 of the Andhra Pradesh (Telangana

Area) Tenancy and Agricultural Lands Act, 1950.

82. In our considered opinion, the findings recorded by the Special Court are not vitiated for any reason whatsoever. The Special Court also found

that there is no evidence produced either by the applicants or by the respondents establishing their possession. The possession of the land being

classified as government poramboke always remained with the Government.

83. The Special Court while adverting to the case set up by the Government, relied upon the documents that show that the land in Survey No. 100

was classified as poramboke/kancha. The entries in the sethwar prepared in the year 1323 Fasli and the classer register and pucca book prepared

on the conclusion of survey operations some time in the year 1322 Fasli show that the land was not an arable land and that it was classified as

poramboke. In respect of such land, which is shown to be poramboke/kancha land, in one of the columns, the name of Raheemunnisa Begum, wife

of Abdul Salam is shown as pattedar. Such entries are of no consequence. In fact, the entries made are mutually inconsistent.

84. The Special Court found that for the first time in 1950-51, the name of Raheemunnisa Begum is fraudulently entered in the pattedar column.

Prior to that there was no such entry and the pattedar column was vacant. The names of the occupants were mentioned. The authority for making

such an entry is not available. No patta has been produced. It is not clear as to whether the name so entered is referable to Raheemunnisa Begum

Saheba who belongs to the Royal family or Rahimunnisa Begum, wife of Abdul Salam. The Special Court found that these entries are obviously

fabricated and collusive in nature. This Raheemunnisa Begum, wife of Abdul Salam appears to be a creation and brainchild of some vested interest

who have been making constant and consistent efforts to grab the government land.

85. In the khasra pahani for the year 1954-55 (Ex.B53), the word ""sarkari"" in column No. 7 is deleted and patta is written. The word

poramboke"" is also deleted. Such fraudulent and manipulated entries in the revenue records with the connivance of the custodians of the records

do not create any right, title or interest in favour of any individuals whose names are so entered in a fraudulent manner in the revenue records.

86. However, reliance is placed upon a Division Bench judgment of this Court in Union of India (UOI) and Others Vs. Vasavi Cooperative

Housing Society Limited and Others, in support of the submission that the entries made in the record of rights carry with them a very great

evidentiary value and the entries made in Columns 1 to 19 of the pahani patrikas shall be deemed to be the record of rights prepared and

maintained by a public servant in discharge of his official duties.

87. There is no dispute with the principle laid down in the said judgment. But, in the instant case, we are concerned with the manipulated and

fabricated entries in the revenue records. It is interesting to notice that in the relevant column the nature of the land is shown to be poramboke and

kancha and in respect of the very same land, name of Raheemunnisa Begumis shown as pattadar. The entries are mutually inconsistent. They do

not inspire any confidence. That apart, the origin of the title of Raheemunnisa Begum, wife of Abdul Salam is not traced.

88. Some private arrangement arrived at between applicants 2 to 5 among themselves inter se on one hand, with the other purchasers on the other

hand, under the registered sale deed of 1965, by itself does not establish the title in respect of the land in question. It is not known as to how the

applicants among themselves on one hand together with other purchasers under the said sale deed on the other hand could have assigned separate

survey numbers.

89. Sub-section (3) of Section 2 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli defines "pote number" (sub-division). It

means the portion of a "number" separately assessed and entered in a register.

90. There has been no such survey demarcating and dividing the survey No. 100 of Miyapur village into various sub-divisions and no such entries

have been made in the register maintained for that purpose.

91. For all the aforesaid reasons, the finding recorded by the Special Court that the evidence available on record clinchingly establishes that the

application schedule land forming part of Survey No. 100 of Miyapur village is a government poramboke land is not vitiated for any reason

whatsoever. Neither the applicants nor the respondents have any right of ownership over the application schedule land. The Special Court rightly

upheld the title of the Government in respect of the application schedule land and accordingly declared that the applicants as well as respondents

excluding respondent No. 29 in LGC 131 of 1995 (State Government) are the land grabbers within the meaning of Section 2 (d) and 2 (e) of the

Act.

92. The applicants as well as respondents 1 to 22 have also set up the plea of adverse possession. The said plea is couched in a very vague and

indefinite terms. There is no clear assertion asserting that they have perfected their title by adverse possession.

93. Be that as it may, no evidence has been let in by either of the parties on this aspect of the matter. The Special Court rejected the contention

and that finding is not challenged in these writ petitions. No submissions are made so far as the said plea is concerned.

94. There is no plea with regard to the maintainability of the applications filed under sub-section (1) of Section 8 of the Act before the Special

Court. Nor there is any such specific plea taken in this batch of writ petitions.

95. Be that as it may, the Special Court having examined the rival claims and the claim of the Government found the land in question to be the

government land. The government in the instant case not only established its prima facie title but also made out a clear case of its title and

ownership. The rival contenders failed to make out any claim of lawful entitlement in respect of the land in question. In such view of the matter, the

presumption arises that the rival contenders are the land grabbers. They have failed to discharge their burden of proof by rebutting the

presumption. Therefore, we do not find any substance in the submission made by Sri E. Manohar, learned Senior Counsel appearing on behalf of

respondents 1 to 22 in LGCs.

96. We do not find any error to have been committed by the Special Court in reaching its conclusions. No material portion of evidence has been

omitted from the consideration of the Special Court. Nor the Special Court relied upon any irrelevant material/evidence in recording its

conclusions. Nor the Special Court committed any error of law. The impugned judgment does not suffer from any jurisdictional or legal errors

requiring our interference in the matter.

97. No other point, except the points referred to hereinabove, is urged.

98. For the aforesaid reasons, these writ petitions fail and shall accordingly stand dismissed with costs, quantified at Rs.5,000/- (Rupees five

thousand only) in each case.

W.P. No. 6240 of 1995

99. The petitioners herein are the third parties to the proceedings before the Special Court. This writ petition is directed against the judgment dated

6-2-1995 made in L.G.C. Nos. 21 and 22 of 1994 by the Special Court. The Special Court allowed the said LGCs filed by Ravindra

Cooperative Housing Society Limited and others (respondents 2 to 6 herein) declaring respondents 7 to 16 herein as land grabbers and

respondents 17 to 21 herein as not the owners of the property in question.

100. The case of the petitioners herein is that one Janab Rahimunnisa Begum Saheba, wife of Nawab Moin-ul-dowla Bahadur, first wife of Ex-

Ameer-e-Paigha Asman Jahi was the pattedar of the land in question. The said Rahimunnisa Begum died on 13-3-1970 as issueless and intestate.

The petitioners herein claim their title to the land in question being the children and grand children of late Nawab Moin-ul-dowla Bahadur through

his other three wives.

101. In W.P. No. 889 of 1998 and Batch (supra), we have declared that neither Janab Raheemunnisa Begum Saheba, wife of Nawab Moin-ul-

dowla Bahadur, through whom the petitioners herein claim their title nor Raheemunnisa Begum wife of Abdul Salam has any title to the land in

Survey No. 100 of Miyapur village. In such view of the matter the impugned judgment is required to be quashed. The Special Court disposed of

the matters in the absence of the State of Andhra Pradesh, which not only is a necessary but also a proper party to the proceedings.

102. Be that as it may, in view of our finding that the Government is the true and absolute owner of the entire extent of land in Survey No. 100 of

Miyapur village, no relief could be granted to either of the parties.

103. The impugned judgment is accordingly quashed declaring both the petitioners as well as the respondents herein to be the land grabbers within

the meaning of Section 2 (d) and 2 (e) of the Act, and they are not entitled for any relief. The Government is declared to be the true and absolute

owner and in possession of the land in Survey No. 100 of Miyapur village, Serilingampalli Mandal, Rangareddy District.

104. Consequently, LGC Nos. 21 and 22 of 1994 shall accordingly stand dismissed.

105. The writ petition is accordingly allowed, but no relief is granted to the petitioners. No order as to costs.

W.P. Nos. 3062 and 3120 of 1998

106. These two writ petitions are directed against the judgment of the Special Court dated 31-12-1997 made in L.G.C. No. 110 of 1994. The

applicants in the said LGC are the petitioners in W.P. No. 3120 of 1998, whereas the 8th respondent in LGC is the petitioner in W.P. No. 3062

of 1998.

107. The questions of law that arise for consideration in these writ petitions are similar to that had arisen for our consideration in W.P. No. 889 of

1998 and Batch (supra). Precisely for the said reason, no further submissions as such are made by any of the counsel in these writ petitions.

108. The only difference in these writ petitions is that the dispute centers around Survey No. 101 of Miyapur village, Serilingampalli Mandal,

Ranga Reddy District, whereas the dispute in W.P. No. 889 of 1998 and Batch (supra) centers around Survey No. 100 of same village.

109. For the sake of convenience, the parties herein shall be referred to as arrayed in the LGC.

110. The claim of the applicants is that the land in Survey No. 101 of Miyapur village, Serilingampalli Mandal, Ranga Reddy District is patta land.

One Raheemunnisa Begum, wife of Abdul Salam was the pattadar of the said land. The total extent of the land in Survey No. 101 is Ac.277-34

guntas. The said Raheemunnisa Begum sold an extent of Ac.155-00 to one Koduri Narayana Rao through a registered sale deed dated 6-7-1964

after obtaining permission of the Tahsildar, Hyderabad West under Sections 47 and 48 of the Andhra Pradesh (Telangana Area) Tenancy and

Agricultural Lands Act, 1950. The said Narayana Rao was put in possession of the same on the very date of purchase. Narayana Rao purchased

the said lands for the benefit of joint family consisting of himself and his sons. The said Narayana Rao and his sons sold the said lands to Shaik

Fareed, Shaik Hameed, Raja Mohanrao, Koduri Nageswarrao, Mohd. Aneef, Gandhi Reddy, Yelamanchili Ammaji, A.V.V.K. Prasad, K.

Narasimha Raju, K. Satyanarayana Raju and the first applicant-society through documents registered during the period from 1978 to 1988. The

said Koduri Narayana Rao and his sons and the other vendors of Koduri Narayana Rao and others sold their respective shares to the first

applicant-society. The first applicant-society purchased the said land during the period from 6-6-1983 to 13-3-1988. The total extent of the land

purchased by the first applicant-society under documents registered between 1983 and 1988 is Ac.145-25 guntas and the first applicant-society

has been in possession since the date of purchase.

111. The first applicant-society divided the said land into plots numbering 1022 and the plotted area itself comes to 5,83,704 square yards. The

rest of the details are not required to be noticed.

112. The cause of action for filing the Land Grabbing Case is that the first respondent on behalf of respondents 2 to 7 got issued a public notice on

25-5-1993 claiming valid title to Survey No. 101/A and 101/A1 to A6. They have filed O.S. No. 383 of 1992 on the file of the Additional Sub-

Judge, Ranga Reddy District against 31 persons including the first applicant-society. The case of the first applicant-society is that respondents 2 to

7 have no manner of right over the application schedule land. The applicants accordingly prayed to declare the respondents as land grabbers.

113. The case set up by the first respondent as General Power of Attorney holder of respondents 2 to 7 is that Raheemunnisa Begum, wife of

Nawab Moinuddowla Bahadur was the true and absolute owner of the land. In the year 1946 the said Raheemunnisa Begum orally gifted Survey

No. 101 of Miyapur village to Nawab Mohammed Bahauddin Khan, son of Moinuddowla Bahadur through Kareemunnisa Begum and inducted

him into possession. The said Raheemunnisa Begum conferred the gift by executing Hibinama - a memorandum of gift in favour of Nawab

Mohammed Bahauddin Khan. The Managing Committee of Paigah "Khas" confirmed the said gift executed by Raheemunnisa Begum in the year

1949. She died in the year 1970. In 1968 the said Nawab Mohammed Bahauddin Khan orally gifted the entire land in Survey No. 101 of

Miyapur village to respondents 2 to 7. The said oral gift was confirmed on 24-6-1969 under a memorandum of gift deed by Nawab Bahauddin

Khan Bahadur.

114. The State of Andhra Pradesh represented by the District Collector, Ranga Reddy District was impleaded as the 9th respondent in the LGC

as per the orders dated 17-12-1997.

115. The State Government filed a memorandum in the Special Court to treat the counter filed on behalf of the State in LGC Nos. 131 and 136 of

1995 as its counter in the present LGC. The case of the Government is that the entire land in Survey No. 101 of Miyapur village is classified as

Poramboke in Classer Register, pucca book and in Sethwar of 1323 Fasli. We have already noticed the details of the case set up by the

respondent-State in the said LGCs. It is unnecessary to repeat the same and burden this judgment.

116. The controversy that arises for consideration in this case is similar to the controversy that arose in W.P. No. 889 of 1998 and Batch (supra).

There are two sets of rival claimants; one set is claiming through Raheemunnisa Begum, wife of Abdul Salam and the another set is claiming through

Raheemunnisa Begum, wife of Nawab Moinuddowla Bahadur, being her legal representatives. Their claim is similar to that of the claim asserted by

them in respect of adjoining survey No. 100 of Miyapur village, about which we had discussed in detail in the preceding paragraphs of our

judgment. The claim of the State is also similar to that of one set up by it in respect of Survey No. 100. In fact, the counter filed by the State in

LGC Nos. 131 and 136 of 1995 has been adopted in this LGC.

117. The Special Court rightly observed that same questions of law as the one that had arisen for consideration in LGC Nos. 131 and 136 of

1995 had also arisen for consideration in this LGC.

118. The Special Court after an elaborate consideration of the matter and applying the legal principles correctly came to the conclusion that the

land in question is government land. Neither Raheemunnisa Begum, wife of Abdul Salam, nor Janab Raheemunnisa Begum Saheba, wife of Nawab

Moinuddowla Bahadur ever had anything to do with the lands in question. The lands were never in their personal cultivation. The entries made in

the revenue records, which were found to have been tampered, by themselves do not create any title in either of them.

119. So far as the 8th respondent is concerned, he has not adduced any evidence except stating in his counter that he has interest only in an extent

of Ac.66-09 guntas of land forming part of Survey No. 101 of Miyapur. He has not placed any document in support of his claim. There is no

documentary evidence evidencing his lawful possession over any part of the land in Survey No. 101 of Miyapur village at any point of time.

120. The Special Court relying upon Ex.B50 to Ex.71 filed by the State government asserting its right, title and interest in respect of the land in

survey Nos. 100 and 101 of Miyapur village came to the conclusion that the entire land in survey Nos. 100 and 101 of Miyapur village, which was

one of the villages of piagah estate, is classified as Poramboke land and on abolition of jagirs with effect from 15-9-1949, the patta stood

transferred to the Government as Diwani Poramboke (Government poramboke).

121. Since the parties in L.G.C. No. 110 of 1994, out of which these writ petitions arise, are different from that of the parties in LGC Nos. 131

and 136 of 1995 (subject matter of W.P. No. 889 of 1998 and Batch) we have briefly noted these relevant facts which otherwise not necessary

and our judgment in W.P. No. 889 of 1998 and Batch (supra) would be equally applicable to the disposal of these two writ petitions.

122. The learned counsel appearing on behalf of the parties in these writ petitions have adopted the arguments and submissions made by the

learned counsel appearing on behalf of the parties in W.P. No. 889 of 1998 and Batch.

123. No other submission is made.

124. For the aforesaid reasons, we do not find any merit whatsoever in these writ petitions. They shall accordingly stand dismissed with costs,

quantified at Rs.5,000/- (Rupees five thousand only) in each writ petition.

W.P. No. 8008 of 1992

125. In view of our finding that the entire land in Survey Nos. 100 and 101 of Miyapur village, Serilingampalli Mandal belongs to the Government

and not to any private individuals or societies, the question of effecting mutation and changes in the revenue records incorporating the names of any

private individuals or societies as such does not arise. The proceedings initiated and the orders passed by the Mandal Revenue Officer are

absolutely frivolous in their nature. Even the order of remand passed by the Joint Collector dated 11-6-1992, which is impugned in this writ

petition, is nothing but a futile exercise. The names of any private individuals or societies cannot be entered in any revenue records and record of

rights in view of our finding that the entire land in Survey Nos. 100 and 101 of Miyapur village, Serilingampalli Mandal, Ranga Reddy District

belongs to the Government and none have any lawful claim or entitlement thereto.

126. For the aforesaid reasons, the writ petition shall accordingly stand dismissed. No order as to costs.