

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

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**WRIT PETITION NOS: 8176 of 2008, 12390 of 2012 & 21393 of 2012**

**WRIT PETITION NO: 8176/2008**

**Between:**

Pydi Varahamma W/o Late Pydi Krishna Sarma, and      ...PETITIONER(S)  
Others

**AND**

The Government of Andhra Pradesh Department Of and      ...RESPONDENT(S)  
Others

**Counsel for the Petitioner(S):**

- 1..
- 2.SANAPALA VINOD KUMAR
- 3.V SANTHISREE

**Counsel for the Respondent(S):**

- 1.GP FOR ASSIGNMENT (AP)
- 2.ADDL ADVOCATE GENERAL (AP)
- 3.C HANUMANTHA RAO

**WRIT PETITION NO: 12390/2012**

**Between:**

Const. Attorney & Auth. Sign., M/s. ECE Industries Ltd,      ...PETITIONER  
New Delhi

**AND**

Prl. Secy. Dept of Revenue, ULC Hyderabad 4 Others      ...RESPONDENT(S)  
and Others

**Counsel for the Petitioner:**

- 1.A CHANDRA SHAKER

**Counsel for the Respondent(S):**

1.ADDL ADVOCATE GENERAL (AP)

**WRIT PETITION NO: 21393/2012**

**Between:**

M/s. Bhiragacha Finance Company Private Limited,

**...PETITIONER**

**AND**

The Government Of Andhra Pradesh and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1.A CHANDRA SHAKER

**Counsel for the Respondent(S):**

1.GP FOR REVENUE

**Date of Order pronounced : 04-02-2025**

**SUBMITTED FOR APPROVAL:**

**THE HON'BLE SRI JUSTICE B.KRISHNA MOHAN**

1. Whether Reporters of Local newspapers may be allowed to see the judgments? : Yes/No
2. Whether the copies of judgment may be marked to Law Reporters/Journals: : Yes/No
3. Whether the Lordship wishes to see the fair copy Of the Judgment? : Yes/No

**JUSTICE B.KRISHNA MOHAN**

**\* THE HON'BLE SRI JUSTICE B.KRISHNA MOHAN**

**+ WRIT PETITION NOS: 8176 of 2008, 12390 of 2012 & 21393 of 2012**

**% Dated: 04-02-2025**

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Others

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and Others

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**^ Counsel for the Respondent(S):**

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**AND**

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**! Counsel for the Petitioner:**

1.A CHANDRA SHAKER

**^ Counsel for the Respondent(S):**

1.GP FOR REVENUE

<GIST :

>HEAD NOTE:

? Cases referred:

<sup>1</sup> 2013(4) SCC 280

<sup>2</sup> (2014) 12 SCC 523

<sup>3</sup> (2012) 4 SCC 718

APHC010593082008



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

[3233]

TUESDAY ,THE FOURTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN**

**WRIT PETITION NOS: 8176 of 2008, 12390 of 2012 & 21393 of 2012**

**WRIT PETITION NO: 8176/2008**

**Between:**

Pydi Varahamma W/o Late Pydi Krishna Sarma, and      **...PETITIONER(S)**  
Others

**AND**

The Government Of Andhra Pradesh Department Of and      **...RESPONDENT(S)**  
Others

**Counsel for the Petitioner(S):**

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**Counsel for the Respondent(S):**

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**Between:**

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**AND**

Prl. Secy. Dept of Revenue, ULC Hyderabad 4 Others      **...RESPONDENT(S)**  
and Others

**Counsel for the Petitioner:**

1.A CHANDRA SHAKER

**Counsel for the Respondent(S):**

1.ADDL ADVOCATE GENERAL (AP)

**WRIT PETITION NO: 21393/2012****Between:**

M/s. Bhiragacha Finance Company Private Limited,      **...PETITIONER**

**AND**

The Government Of Andhra Pradesh and Others      **...RESPONDENT(S)**

**Counsel for the Petitioner:**

1.A CHANDRA SHAKER

**Counsel for the Respondent(S):**

1.GP FOR REVENUE

**The Court made the following Common Order:****W.P.No.8176 of 2008**

Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents.

2. This writ petition is filed questioning the notification dated 07.07.2007 published dated 12.07.2007 and the consequential orders in proceedings No.G1/10571/76, dated 05.02.2008 issued by the 2<sup>nd</sup> respondent/Special Officer and Competent Authority, Hyderabad.

3. The 1<sup>st</sup> petitioner is the mother and the petitioner Nos.2 and 3 are her major sons.

4. The learned Senior Counsel for the petitioners submits that Sri Pydi Appanna, father-in-law of the 1<sup>st</sup> petitioner, Sri Pydi Krishna Sharma, husband of the 1<sup>st</sup> petitioner and the petitioner Nos.2 and 3 are the absolute owners of the land in an extent of Ac.3-52 cents in Sy.No.59/3 of Marrisalem Village, Visakhapatnam.

(i) A registered lease deed bearing document No.1138/1964 dated 22.04.1964 was executed in favour of M/s. A.P. Electrical Equipment Corporation Limited/5<sup>th</sup> respondent, for a period of 99 years. In pursuance of the same, the 5<sup>th</sup> respondent established a factory comprising three huge factory sheds admeasuring 2043.00 sq. mts., 2043.00 sq. mts. and 2198.83 sq. mts. with appurtenant land 500 sq. mts. each, two godowns admeasuring 1129.00 sq. mts. and 1130.00 sq. mts. with appurtenant land of 500 sq. mts. each. A workshop in an extent of 762.54 sq. mts with an appurtenant land of 500 sq. mts. along with power room generator in an extent of 686.73 sq. mts. was built with an appurtenant land of 500 sq. mts. Thus, the entire extent of the land of the petitioners was having built up area with roads etc. and there was no vacant land as such. After the death of the father-in-law and the husband, the 1<sup>st</sup> petitioner and her sons succeeded to the ownership of the property.

(ii) After coming into force of the Urban Land (Ceiling and Regulation) Act, 1976, it appears that the 5<sup>th</sup> respondent lessee who was in occupation of the subject land filed a declaration under section 6(1) of the Urban Land (Ceiling & Regulation) Act, 1976 including the property belonging to the petitioners in his declaration form along with the constructed area and was dealing with the matter in the capacity of lessee in occupation.

(iii) By a registered letter with acknowledgement due bearing Regd. No.4335 dated 14.09.1991, a representation was made to the 3<sup>rd</sup> respondent *inter alia* giving details of the land owned by the petitioners to the 5<sup>th</sup> respondent and that the land was covered by the structures etc. The said representation was received by the 3<sup>rd</sup> respondent on 17.09.1991. In the course of time, the 5<sup>th</sup> respondent Corporation became defunct in January, 2000. Then the petitioners filed O.S.No.516 of 2005, on the file of II Additional Senior Civil Judge, Visakhapatnam, seeking eviction of the 5<sup>th</sup> respondent from the property. The said suit was decreed on 11.04.2007. The 5<sup>th</sup> respondent preferred an appeal in A.S.No.145 of 2007 on the file of the I Additional District Judge, Visakhapatnam and the said appeal was allowed on 07.09.2007 setting aside the decree of eviction. Then the Second Appeal No.1212 of 2007 was filed before the Hon'ble High Court questioning the judgment of the I<sup>st</sup> Appellate Court.

(iv) It appears that the 5<sup>th</sup> respondent Corporation being the lease holder for a period of 99 years filed a declaration under section 6(1) of the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the properties owned and

possessed by it within the Urban Agglomeration of Hyderabad and Visakhapatnam. In the said declaration, apart from the land owned by the 5<sup>th</sup> respondent in Hyderabad, Visakhapatnam and other places, the lands owned by the petitioners in Sy.No.59/3 of Marripalem, Visakhapatnam were shown as leased lands with structures in occupation of the 5<sup>th</sup> respondent claiming exemption under section 4(11) of the Act.

(v) The Special Officer & Competent Authority, Urban Land Ceiling, Hyderabad/the 2<sup>nd</sup> respondent passed final orders dated 03.02.2004 under section 8(4) of the Act holding that the 5<sup>th</sup> respondent is the surplus holder to an extent of 39559.83 sq. mts. But in the said order, the land in Sy.No.59/3 belonging to the petitioners was shown as exempted under section 4(11) of the Act. The relevant portion is extracted hereunder:

S.No.	Name of the structure	Sy.No.	Name of the Village	Extent in Sq.Mts.	Appt. Land	Add. Appt. Land	Area protected u/s.4(11)	Vacant land
1.	Factory Shed	59/3	Marripalem	2043.00	500.00	--	2543.00	
2.	Factory Shed	59/3	Marripalem	2043.00	500.00	--	2543.00	
3.	Factory Shed	59/3	Marripalem	2198.83	500.00	--	2698.83	
4.	Godown Room	59/3	Marripalem	1129.00	500.00	--	1629.00	
5.	Godown Room	59/3	Marripalem	1130.00	500.00	--	1630.00	
6.	Work Shop	59/3	Marripalem	762.54	500.00	--	1262.54	
7.	Power Room /Generator	59/3	Marripalem	686.73	500.00	--	1186.73	

(vi) Then the Appellate authority set aside the order of the 2<sup>nd</sup> respondent, dated 03.02.2004 in the appeal filed by the 5<sup>th</sup> respondent and remanded the case to the 2<sup>nd</sup> respondent for reconsideration vide order dated 28.07.2005. The Appellate authority observed that the surplus land held by the 5<sup>th</sup>

respondent would be 48527.13 sq. mts. and not 39559.83 sq. mts. as determined by the 2<sup>nd</sup> respondent. But the Appellate authority did not dispute the exemption granted in respect of the petitioner's land in Sy.No.59/3 protected under section 4(11) of the Act. Thus, the exemption under section 4(11) of the Act in respect of the petitioner's land attained finality. However, the 2<sup>nd</sup> respondent revised its earlier order as directed by the Appellate authority and passed a final order under section 8(4) of the Act dated 20.03.2007. Even in the revised order, the lands of the petitioner in Sy.No.59/3 under lease of the 5<sup>th</sup> respondent were shown as lands covered under structures and protected under section 4(11) of the Act. Thus, the land of the petitioner to an extent of Ac.3.52 cents with structures, roads etc. was exempted under section 4(11) of the Act by the 2<sup>nd</sup> respondent. Thus, the said order attained finality.

(vii) The 2<sup>nd</sup> respondent issued a notice dated 07.07.2007 under section 10(1) of the Act proposing to take over the entire extent of the land of the petitioners as surplus and called for objections. The section 10(1) notification was published in the Gazette on 12.07.2007. The petitioners had no knowledge on the notice about the pendency of the proceedings before the 2<sup>nd</sup> respondent/the Appellate authority. The petitioners first time came to know about the section 10(1) notification issued by the 2<sup>nd</sup> respondent in the month of September, 2007. Then the petitioners made a representation to the Special Officer & Competent Authority i.e., the 3<sup>rd</sup> respondent on 28.09.2007. Similar representation was also made to the 2<sup>nd</sup> respondent by registered post

vide Regd. No.3155 dated 29.09.2007. The 3<sup>rd</sup> respondent addressed the 2<sup>nd</sup> respondent vide proceedings in Rc.No.409/81/B2 dated 31.10.2007 holding that in view of the earlier proceedings, Sy.No.59/3 of Mrippalem Village, Visakhapatnam is exempted under section 4(11) of the Act on account of the existence of structures and as there is no vacant land. The relevant para is extracted hereunder:

*"In this context, I submit that in the proceedings 1<sup>st</sup> cited the Special Officer & Competent Authority, Urban Land Ceiling, Hyderabad has determined an extent of 12656.22 sq. mts under "C" category in Visakhapatnam U.A., against the holding of APEEC Ltd., Visakhapatnam after providing protection as contemplated U/S.4 (11) of the Act in respect of structures, Roads, green belt etc., which is supposed to be situated in different Survey numbers of Kapparada, Mrippalem Villages and Waltair ward. But where as in the reference 2<sup>nd</sup> cited it was notified that the entire extent-of-12656 sq. mts. of surplus land is situated in S.No. 59/3 of Mrippalem alone in spite of the fact that, that much of vacant extent, after providing protection U/S. 4 (11) of the Act, is not available in S.No 59/3 of Mrippalem. This mistake might have been crept in by over sight.*

*Hence, I request that necessary erratum. may kindly be issued to the Notification issued U/S. 10 (1) of the Act and the same may kindly be communicated to this office for taking necessary further action in the matter."*

### **W.P.No.12390 of 2012**

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. This writ petition is filed by M/s. ECE Industries Ltd. questioning the action of the respondents in conducting the alleged panchanama dated 12.03.2008 and consequently to direct the respondents not to interfere with

the possession of the petitioner's land in Sy.No.59/3 in an extent of Ac.3-52 cents of Mrippalem Village, Visakhapatnam District. But, subsequently, I.A.No.2 of 2012 was filed in the said writ petition seeking amendment of the prayer with respect to the land to an extent of Ac.1-00 cents instead of Ac.3-52 cents which was duly allowed.

7. The learned counsel for the petitioner submits that the petitioner is a company in the business of manufacturing electrical equipment. For the purpose of carrying on its manufacturing activities, had taken the land admeasuring Ac.3-52 cents in Sy.No.59/3 of Mrippalem Village, Visakhapatnam District by way of lease for a period of 99 years from Pydi Appanna and his family members vide registered document No.1138 of 1964, dated 22.04.1964. In pursuance of the same, the petitioner company established a factory comprising three huge factory sheds admeasuring 2043.00, 2043.00 and 2198.83 sq. mts. with appurtenant land 500 sq. mts. each, two godowns admeasuring 1129.00 and 1130.00 sq. mts. with appurtenant land of 500 sq. mts. each. A workshop in an extent of 762.54 sq. mts with an appurtenant land of 500 sq. mts. along with power room generator in an extent of 686.73 sq. mts. was built with an appurtenant land of 500 sq. mts. Thus, the entire extent of the land of the petitioners was having built up area with roads etc. and there was no vacant land as such.

(i) After coming into force of the Urban Land (Ceiling and Regulation) Act, 1976, the petitioner company filed a declaration under section 6(1) of the Act, of the properties owned and possessed by it in the urban agglomeration of

Hyderabad and Visakhapatnam including the property in Sy.No.59/3 of Marripalem village taken on lease as stated above. The Special Officer and Competent Authority, ULC, Nampally, Hyderabad/ the 2<sup>nd</sup> respondent issued proceedings under section 8(1) of the Act calling objections in respect of the surplus land held by the petitioner company, dated 07.04.1992. The petitioner company filed its objections dated 22.05.1992.

(ii) The 2<sup>nd</sup> respondent issued the proceedings under section 8(4) of the Act declaring the petitioner company as surplus land holder to an extent of 46,538.43 sq. mts. in Fatehnagar of Hyderabad, Urban Agglomeration and to an extent of 39,559.83 sq. mts. of Marripalem Village, Visakhapatnam, Urban Agglomeration, dated 03.04.2004. In the said order, the land in Sy.No.59/3 belonging to the petitioner was shown as exempted under section 4(11) of the Act. The relevant portion is extracted hereunder:

S.No.	Name of the structure	Sy.No.	Name of the Village	Extent in Sq.Mts.	Appt. Land	Add. Appt. Land	Area protected u/s.4(11)	Vacant land
1.	Factory Shed	59/3	Marripalem	2043.00	500.00	--	2543.00	
2.	Factory Shed	59/3	Marripalem	2043.00	500.00	--	2543.00	
3.	Factory Shed	59/3	Marripalem	2198.83	500.00	--	2698.83	
4.	Godown Room	59/3	Marripalem	1129.00	500.00	--	1629.00	
5.	Godown Room	59/3	Marripalem	1130.00	500.00	--	1630.00	
6.	Work Shop	59/3	Marripalem	762.54	500.00	--	1262.54	
7.	Power Room /Generator	59/3	Marripalem	686.73	500.00	--	1186.73	

(iii) Then the petitioner company instituted an appeal under section 33 of the ULC Act against the orders issued by the 2<sup>nd</sup> respondent dated 03.04.2004. The Chief Commissioner of Land Administration, A.P. and the

Appellate Authority admitted the appeal and granted the status quo subject to the petitioner company not creating any change or altering the nature of the subject land, dated 14.02.2005. Consequently, the Appellate authority set aside the order of the 2<sup>nd</sup> respondent, dated 03.02.2004 in the appeal filed by the petitioner company and remanded the case to the 2<sup>nd</sup> respondent for reconsideration vide order dated 28.07.2005. The Appellate authority observed that the surplus land held by the petitioner company would be 48527.13 sq. mts. and not 39559.83 sq. mts. as determined by the 2<sup>nd</sup> respondent. But the Appellate authority did not dispute the exemption granted in respect of the petitioner's land in Sy.No.59/3 protected under section 4(11) of the Act. Thus, the exemption under section 4(11) of the Act in respect of the petitioner's land attained finality. However, the 2<sup>nd</sup> respondent revised its earlier order as directed by the Appellate authority and passed a final order under section 8(4) of the Act dated 20.03.2007. Even in the revised order, the lands of the petitioner in Sy.No.59/3 under lease of the petitioner company were shown as lands covered under structures and protected under section 4(11) of the Act. Thus, the land of the petitioner to an extent of Ac.3.52 cents with structures, roads etc. was exempted under section 4(11) of the Act by the 2<sup>nd</sup> respondent. Thus, the said order attained finality.

(iv) The owners of the land covered by Sy.No.59/3 of Mrippalem Village under lease to the petitioner company filed W.P.No.8176 of 2008 against the proposed action of the respondent Nos.1 to 4 questioning the proceedings of the 2<sup>nd</sup> respondent dated 05.02.2008 in which it was stated that the notice

under section 10(5) of the Act, dated 05.01.2008 was issued to M/s. A.P.E.E.C., Fatehnagar, Balanagar Mandal, R.R.District (petitioner company) asking them to deliver the possession of surplus land to an extent of 46,538.43 sq. mts in Sy.No.74/P, 75/P, 76/P, Fatehnagar, Balanagar Mandal and 8437.48 sq. mts. (B-Category) equivalent to 12,656.22 sq. mts. (C-Category), Marrisipalem Village, Visakhapatnam District, within a period of 30 days. That the said 30 days time given in notice under section 10(5), dated 05.01.2008 expired on 01.10.2008. But, they failed to deliver possession before the expiry date and hence Sri S.A.Khader, Enquiry Officer was authorized to take over the possession of the land in question under section 10(6) of the Act to handover the same to the Mandal Revenue Officer concerned and to report compliance within one week.

(v) From a perusal of the proceedings dated 05.02.2008, it is to be seen that the copies of the proceedings were only marked to Mr. S.A.Khader, Enquiry Officer, ULC Office, Collector, Ranga Reddy District, the Tahsildar and the Deputy Collector, Balanagar Mandal, and the Deputy Inspector of Survey to accompany the Enquiry Officer. Copies were not marked either to the District Collector, Visakhapatnam, or the concerned Deputy Collector or Tahsildar of Marrisipalem Village.

(vi) The ULC Act i.e., Act, 33 of 1976 stood repealed by the Urban Land (Ceiling Regulation) Repeal Act, 1999. The State of A.P. adopted the repeal Act. As physical possession had not been taken before the commencement

of repeal Act, the proceedings dated 05.02.2008 questioned in W.P.No.8176 of 2008 became *non est*.

(vii) The land holders instituted O.S.No.516 of 2005, on the file of II Additional Senior Civil Judge, Visakhapatnam, seeking eviction of the petitioner company from the said property. The suit was decreed on 11.04.2007. The petitioner company's appeal in A.S.No.145 of 2007 on the file of the I Additional District Judge, Visakhapatnam was allowed on 07.09.2007. The land owners filed S.A.No.1212 of 2007 before the Hon'ble High Court. Later, the petitioner company and the land owners entered into a compromise pursuant thereto the land owners executed a sale deed dated 28.06.2011 under a registered document No.1753 of 2011 in respect of Ac.3-52 cents in Sy.No.59/3 of Marripalem Village.

(viii) The 5<sup>th</sup> respondent/the Tahsildar and the Executive Magistrate, Visakhapatnam filed a complaint against Sri J.P. Balasarya, an employee of the petitioner company alleging that the subject land was in the possession of the Government and he had trespassed into the land. The same was registered as Crime No.77 of 2012 of Kancherapalem P.S., Visakhapatnam for the offences punishable under Sections 447 and 427 of the I.P.C. and Sections 3, 4 & 5 of the Land Grabbing Act. This Hon'ble Court in Crl.M.P.No.2204 of 2012 in Crl.P.No.27035 of 2012 granted interim stay, dated 24.04.2012. Lands owned by the petitioner in Hyderabad have no bearing as far as the present writ petition is concerned but as the proceedings are common, the same are referred. When the ULC authorities sought to take

possession of the land in Fatehnagar Village, petitioner filed W.P.No.11293 of 2009 and W.P.No.23477 of 2010 and obtained interim stay in the year 2010. The said writ petition was allowed on 03.01.2022. But the stay order was set aside in W.A.Nos.665 and 670 of 2022, dated 14.02.2023 by the Hon'ble High Court for the State of Telangana at Hyderabad. The Hon'ble Supreme Court in S.L.P.Nos.3794 and 3795 of 2023 directed to maintain the *status quo*.

**W.P.No.21393 of 2012**

8. Heard the learned Senior Counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

9. This writ petition is filed questioning the action of the respondents in conducting the alleged panchanama dated 12.03.2008 as arbitrary, violative of the Article 14 of the Constitution of India and to direct the respondent not to interfere with the possession of the petitioner's land in Sy.No.59/3 to an extent of Ac.2.00 cents of Marrisipalem Village, Visakhapatnam District.

10. The learned Senior Counsel for the petitioner submits that the petitioner is a company in the business of financial services in and around the State of West Bengal. One Smt. Pydi Varahamma/the petitioner in W.P.No.8176 of 2008 offered to sell the land in an extent of Ac.3-00 cents to the petitioner out of Ac.3-52 cents in Sy.No.59/3 of Marrisipalem Village, Visakhapatnam District covered by Patta No.232 part. Then the petitioner purchased the land in an extent of Ac.2.00 cents in Sy.No.59/3 of Marrisipalem Village vide document No.1788 of 2011. The said land is adjacent to the land in an extent of Ac.1.00

cents purchased by M/s. ECE Industries Ltd./the petitioner in W.P.No.12390 of 2012. In the year 2008, when the 2<sup>nd</sup> respondent vide proceedings No.G1/10571/76, dated 05.02.2008 sought to take possession of the land in Mrippalem Village, Pydi Varahamma and family members filed W.P.No.8176 of 2008 questioning the action of the respondent Nos.1 to 4 contending *inter alia* that in terms of the proceedings of the 2<sup>nd</sup> respondent dated 20.03.2007, the land in Sy.No.59/3 was protected under Section 4(11) of the Act and they had no notices under Section 10(1), 10(3) were served on the petitioners therein and more importantly the 3<sup>rd</sup> respondent by letter in Rc.No.409/81/B2, dated 31.10.2007 addressed to the 2<sup>nd</sup> respondent stated that there was no vacant land in Sy.No.59/3 and mistake might have been crept in by oversight and requested for necessary erratum to the notice issued under Section 10(1) of the Act earlier.

(i) The erstwhile High Court in W.P.M.P.No.10798 of 2008 in W.P.No.8176 of 2008 granted stay of all further proceedings dated 16.04.2008. Hence, the land owners continued in possession. The Urban Land Ceiling Act i.e., Act 33 of 1976 was repealed by the Urban Land (Ceiling Regulation) Repeal Act, 1999 and the same was adopted by the erstwhile State of A.P. with effect from 27.03.2008. As the physical possession had not been taken before the commencement of the Repeal Act, the proceedings dated 05.02.2008 questioned in the W.P.No.8176 of 2008 became non est. The land owners as stated above executed a sale deed in favour of the petitioner in respect of Ac.2.00 cents in Sy.No.59/3 of Mrippalem Village. The 5<sup>th</sup> respondent/the

Tahsildar and the Executive Magistrate of the Visakhapatnam filed a complaint against Sri J.P.Balasarya, an employee of the petitioner company alleging that the subject land was in the possession of the Government and he had trespassed into the land. Consequently, a crime was registered in F.I.R.No.77 of 2012 of Kancharapalem P.S., Visakhapatnam for the offences punishable under Sections 447, 427 of I.P.C. and Sections 3, 4, 5 of the Land Grabbing Act. The erstwhile High Court of A.P. in CrI.M.P.No.2204 of 2012 in CrI.P.No.27035 of 2012 granted interim stay dated 24.04.2012.

11. On the other hand, the learned Special Government Pleader representing the office of the Additional Advocate General relying upon the counter affidavits of the respondents in the three writ petitions submit that all the three writ petitions are emanated from the provisions of the Urban Land (Ceiling and Regulation) Act, 1976. The writ petition Nos.12390 and 21393 of 2012 were filed challenging the panchanama and the writ petition No.8176 of 2008 was filed claiming that the subject property is protected under Section 4(11) of the Urban Land (Ceiling and Regulation) Act and there is no surplus land. The declarant company has got property in Visakhapatnam and Hyderabad. They filed three applications regarding the surplus land for three different survey numbers, three different panchanamas were conducted and three different petitions were filed before the erstwhile Hon'ble High Court and after bifurcation of the State and the High Courts, two of them came to the Hon'ble High Court of Andhra Pradesh and one to the Hon'ble High Court of Telangana. The proceedings under ULC Act were conducted in the year 2008

and the possession was taken. The respondents strictly followed the rules as on that day.

12. The company filed statements under Section 6(1) of the Urban Land (Ceiling and Regulation) Act with respect to the properties situated at Hyderabad Urban Agglomeration and Visakhapatnam Urban Agglomeration before the Special Officer & Competent Authority, Urban Land Ceiling, A.P., Hyderabad. Ultimately, it was concluded that the surplus land to an extent of 12,656.22 Sq. Mtrs. in Marripalem Village of Visakhapatnam was covered vide orders under Section 10(6) of the ULC Act dated 05.02.2008. Though the order under Section 10(6) of the Act attains finality the company filed the writ petition No.12390 of 2012 challenging the panchanama dated 12.03.2008. At the time of filing of the said writ petition, the records thereof were with the Special Officer at Hyderabad. On account of reorganization of the State of Andhra Pradesh, only the cases pending before the Urban Agglomeration has been transferred to the respective competent authorities but the original record relating to the subject matter of the writ petition is in the office of the then Special Officer, Hyderabad. The petitioners in the writ petition No.8176 of 2008 cancelled the lease deed with a malafide intention and compromised with the declarant and other parties by selling the subject land in an extent of Ac.3-00 cents in Sy.No.59/3 of MARRIPALEM Village to the declarant company and an extent of Ac.1-00 cents to the writ petitioner in W.P.No.21393 of 2012 though the status quo orders are in force vide W.P.M.P.No.10798 of 2008 in W.P.No.8176 of 2008 dated 16.04.2008. Hence the execution of the sale

deed in favour of the writ petitioners in W.P.Nos.12390 and 21393 of 2012 is null and void.

13. Upon consideration of the above said rival submissions made, it is necessary to look into the relevant legal provisions under the Urban Land (Ceiling and Regulation) Act, 1976 and the Repeal Act, 1999 as under:

**The statutory framework of Urban Land (Ceiling & Regulation) Act, 1976**

**i.e., Act 33 of 1976:**

1. In view of the growth of population and increase in urbanization, the Parliament felt the need of orderly development of urban areas and to take necessary measures for exercising the social control of urban land which was considered to be a scarce resource and to also bring out an equitable distribution of urban land, the Urban Land (Ceiling and Regulation) Act was enacted. To ensure the said Act was uniformly applied in all the states and territories of India, various states were addressed by the Govt. of India for their consent for adopting the said legislation under Article 252(1) of the Constitution of India. Thus, the Act came into force in the undivided state of Andhra Pradesh with effect from 17.02.1976.

2. The object of the Act was to provide for imposition of ceiling on vacant land in urban agglomeration, for acquisition of such land in excess of ceiling land, to regulate the construction of buildings on such lands and the matters connected there with, with a view to prevent the concentration of Urban Land in the hands of few persons and speculation and profiting therein and with a

view to bringing about an equitable distribution of land in Urban agglomeration to subserve the common good.

3. Chapter III of the Act imposed ceiling on possession of vacant land. An obligation on persons holding vacant land in excess of ceiling limit is set out in section 6 of the Act requiring filing of statement before the competent authority declaring the vacant land etc. possessed. The competent authority under section 8 is required to prepare a draft statement in respect of the vacant land held in excess of ceiling limit. Then the draft statement is to be served on the concerned person together with the notice under section 8(3) calling for objections if any within 30 days. Then the competent authority is required to pass a final order under section 8(4) after considering the objections filed.

4. The final statement has to be issued under section 9 of the Act. Section 10(1) states that after service of Statement the competent authority has to issue a notification giving particulars of the land held by such person in excess of ceiling limit. For the information of General Public a Notification has to be published in the official gazette stating that such vacant land is to be acquired and **that the claim of all the persons interested in such vacant land be made by them giving particulars of the nature of their interest in such lands.** Under section 10(2) the competent authority after considering the claims of persons interested in vacant land has to determine the nature and extent of such claims and pass necessary orders thereon. Section 10(3) states that after the publication of the notification under 10(1), the competent authority has to declare that the excess land mentioned in the notification

published under section 10(1) shall, with effect from such date as may be prescribed in the declaration, **be deemed to have been acquired by the state government.** Thereafter, on publication of declaration to that effect such land shall **be deemed to have been vested absolutely in the state Govt.,** free from all encumbrances, with effect from the date so specified.

5. Since the instant case is primarily concerned with the scope of section 10 of the Act, it can be beneficially extracted hereunder:

**10. Acquisition of vacant land in excess of ceiling limit.-**

(1) As soon as may be after the service of the statement under section 9 on the person concerned, the competent authority shall cause a notification giving the particulars of the vacant land held by such person in excess of the ceiling limit and stating that-

(i) such vacant land is to be acquired by the concerned State Government; and

(ii) the claims of all persons interested in such vacant land may be made by them personally or by their agents giving particulars of the nature of their interests in such land, to be published for the information of the general public in the Official Gazette of the State concerned and in such other manner as may be prescribed.

(2) After considering the claims of the persons interested in the vacant land, made to the competent authority in pursuance of the notification published under sub-section (1), the competent authority shall determine the nature and extent of such claims and pass such orders as it deems fit.

(3) At any time after the publication of the notification under sub-section (1), the competent authority may, by notification published in the Official Gazette of the State concerned, declare that the excess

vacant land referred to in the notification published under sub-section (1) shall, with effect from such date as may be specified in the declaration, be deemed to have been acquired by the State Government and upon the publication of such declaration, such land shall be deemed to have been vested absolutely in the State Government free from all encumbrances with effect from the date so specified.

(4) During the period commencing on the date of publication of the notification under sub-section (1) and ending with the date specified in the declaration made under sub-section (3)—

(i) no person shall transfer by way of sale, mortgage, gift, lease or otherwise any excess vacant land (including any part thereof) specified in the notification aforesaid and any such transfer made in contravention of this provision shall be deemed to be null and void; and

(ii) no person shall alter or cause to be altered the use of such excess vacant land.

(5) Where any vacant land is vested in the State Government under sub-section (3), the competent authority may, by notice in writing, order any person who may be in possession of it to surrender or deliver possession thereof to the State Government or to any person duly authorised by the State Government in this behalf within thirty days of the service of the notice.

(6) If any person refuses or fails to comply with an order made under sub-section (5), the competent authority may take possession of the vacant land or cause it to be given to the concerned State Government or to any person duly authorised by such State Government in this behalf and may for that purpose use such force as may be necessary.

Explanation. In this section, in sub-section (1) of section 11 and in sections 14 and 23, "State Government", in relation to-

(a) any vacant land owned by the Central Government, means the Central Government;

(b) any vacant land owned by any State Government and situated in a Union territory or within the local limits of cantonment declared as such under section 3 of the Cantonments Act, 1924, (2 of 1924.) means that State Government."

## **THE REPEAL ACT, AND THE SAVINGS CLAUSE**

1. Parliament passed the Repeal Act in the year 1999

### **Statement of Object and Reasons:**

1. The Urban Land (Ceiling and Regulation) Act, 1976 was passed when Proclamation of emergency was in operation with a laudable objective in mind. The said Act was passed pursuant to the resolution passed by the State Legislature under clause (1) of Article 252. Unfortunately public opinion is nearly unanimous that the Act has failed to achieve what was expected of it. It has on the contrary pushed up land prices to unconscionable levels, practically brought the housing industry to a stop and provided copious opportunities for corruption. There is wide spread clamour for removing this most potent clog on housing.

2. Parliament has no power to repeal or amend the Act unless resolutions are passed by two or more state legislatures as required under clause (2) of Article 252.

3. The Legislature of Haryana and Punjab have passed resolutions empowering Parliament to repeal the act in those States. The Act, in the first

instance will be repealed in those States and in the Union Territories and subsequently if any State Legislature adopts this Act by resolution, then from the date of its adoption the Act will stand repealed in that State.

4. The proposed repeal, along with some other incentives and simplification of administrative procedures is expected to revive the stagnant housing industry and provide affordable living accommodation for those who are in a state of underserved want and are entitled to public assistance. The repeal will not however, affect the land on which building activity has already commenced. For that limited purpose exemption granted under Section 20 of the Act will continue to be operative. Amounts paid out by the State Government will become refundable.

5. The bill seeks to achieve the above purpose.

Act, 33 of 1976 was repealed by section 2 of Repeal Act, 1999 AP and the Repeal Act was adopted by the undivided State of A.P., on 27.03.2008.

Section 3 of the Repeal Act contains the saving Act, which is as follows:

## **6. Saving.-**

### **(1) The repeal of the principal Act shall not affect-**

(a) The vesting of any vacant land under sub-section 10, possession of which has been taken over by the state government or any person duly authorized by the state government in this behalf or by the competent authority;

(b) The validity of any order granting exemption under sub section (1) of section 20 or any action taken there under, notwithstanding any judgment of any court to the contrary;

(c) Any payment made to the state government as a condition for granting exemption under sub-section (1) of section 20.

**(2) Where-**

(a) any land is deemed to have vested in the state government under sub section (3) of section 10 of the principal Act but possession of which has not been taken over by the state government or any person duly authorized by the state government in this behalf or by the competent authority; and

(b) any amount has been paid by the state government with respect to such land, then such land shall not be restored unless the amount paid, if any, has been refunded to the state government."

14. The Hon'ble Supreme Court of India in the case of ***State of Uttar Pradesh V. Hariram***<sup>1</sup> had occasion to consider the ambit and purport of sections 10(3),(5) and (6) Act, 1976 with reference to section 3 of the Repeal Act. The Hon'ble Apex court held as follows after detailed consideration of the same.

24. The expression "deemed to have been acquired" used as a deeming fiction under sub-section (3) of Section 10 can only mean acquisition of title or acquisition of interests because till that time the land may be either in the ownership of the person who held that vacant land or to possess such land as owner or as a tenant or as mortgagee and so on as defined under Section 2(1) of the Act. The word "vested" has not been defined in the Act, so also the word "absolutely". What is vested absolutely is only the land which is deemed to have acquired and nothing more..

29. What is deemed "vesting absolutely" is that "what is deemed to have acquired". In our view, there must be express words of utmost clarity to persuade a court to hold that the legislature intended to divest possession also, since the owners or holders of the vacant land is pitted against a statutory hypothesis. Possession, there is an adage "nine

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<sup>1</sup> 2013(4) SCC 280

points of law" In *Beedall v. Maitland* (1881) 17 Ch. D. p.183 Sir Edward Fry, while speaking of a Statute which makes a forcible entry an indictable offence, stated as follows:

"this statute creates one of the great differences which exist in our law between the being in possession and the being out of possession of land, and which gave rise to the old saying that possession is nine points of the law. The effect of the statute is this, that when a man is in possession, he may use force to keep out a trespasser; but if a trespasser has gained possession, the rightful owner cannot use force to put him out, but must appeal to the law for assistance."

30. Vacant land, it may be noted, is not actually acquired but deemed to have been acquired, in that deeming things to be what they are not. Acquisition, therefore, does not take possession unless there is an indication to the contrary. It is trite law that in construing a deeming provision, it is necessary to bear in mind the legislative purpose. The purpose of the Act is to impose ceiling on vacant land, for the acquisition of land in excess of the ceiling limit thereby to regulate construction on such lands, to prevent concentration of urban lands in hands of few persons, so as to bring about equitable distribution. For achieving that object, various procedures have to be followed for acquisition and vesting. When we look at those words in the above setting and the provisions to follow such as sub-sections (5) and (6) of Section 10, the words 'acquired' and 'vested' have different meaning and content. Under Section 10(3), what is vested is de jure possession not de facto, for more reasons than one because we are testing the expression on a statutory hypothesis and such an hypothesis can be carried only to the extent necessary to achieve the legislative intent.

#### **VOLUNTARY SURRENDER:**

31. The 'vesting' in sub-section (3) of Section 10, in our view, means vesting of title absolutely and not possession though nothing stands in the way of a person voluntarily surrendering or delivering possession. The court in *Maharaj Singh v. State of UP and Others* (1977) 1 SCC 155,

while interpreting Section 117(1) of U.P. Zamindari Abolition and Land Reform Act, 1950 held that 'vesting' is a word of slippery import and has many meaning and the context controls the text and the purpose and scheme project the particular semantic shade or nuance of meaning. The court in *Rajendra Kumar v. Kalyan (dead) by Lrs.* (2000) 8 SCC 99 held as follows:

"We do find some contentious substance in the contextual facts, since vesting shall have to be a "vesting" certain. "To vest, generally means to give a property in." (Per Brett, L.J. *Coverdale v. Charlton*. *Stroud's Judicial Dictionary*, 5th edn. Vol. VI.) Vesting in favour of the unborn person and in the contextual facts on the basis of a subsequent adoption after about 50 years without any authorization cannot however but be termed to be a contingent event. To "vest". cannot be termed to be an executor devise. Be it noted however, that "vested" does not necessarily and always mean "vest in possession" but includes "vest in interest" as well."

32. We are of the view that so far as the present case is concerned, the word "vesting" takes in every interest in the property including de jure possession and, not de facto but it is always open to a person to voluntarily surrender and deliver possession, under Section 10(3) of the Act.

33. Before we examine sub-section (5) and sub-section (6) of Section 10, let us examine the meaning of sub-section (4) of Section 10 of the Act, which says that during the period commencing on the date of publication under sub-section (1), ending with the day specified in the declaration made under sub-section (3), no person shall transfer by way of sale, mortgage, gift or otherwise, any excess vacant land, specified in the notification and any such transfer made in contravention of the Act shall be deemed to be null and void. Further, it also says that no person shall alter or cause to be altered the use of such excess vacant land. Therefore, from the date of publication of the notification under sub-section (1) and ending with the date specified in the declaration made in

sub-section (3), there is no question of disturbing the possession of a person, the possession, therefore, continues to be with the holder of the land.

#### PEACEFUL DISPOSSESSION

34. Sub-section (5) of Section 10, for the first time, speaks of "possession" which says where any land is vested in the State Government under sub-section (3) of Section 10, the competent authority may, by notice in writing, order any person, who may be in possession of it to surrender or transfer possession to the State Government or to any other person, duly authorized by the State Government.

35. If de facto possession has already passed on to the State Government by the two deeming provisions under sub-section (3) to Section 10, there is no necessity of using the expression "where any land is vested" under sub-section (5) to Section 10. Surrendering or transfer of possession under sub-section (3) to Section 10 can be voluntary so that the person may get the compensation as provided under Section 11 of the Act early. Once there is no voluntary surrender or delivery of possession, necessarily the State Government has to issue notice in writing under sub-section (5) to Section 10 to surrender or deliver possession. Subsection (5) of Section 10 visualizes a situation of surrendering and delivering possession, peacefully while sub-section (6) of Section 10 contemplates a situation of forceful dispossession.

#### FORCEFUL DISPOSSESSION

36. The Act provides for forceful dispossession but only when a person refuses or fails to comply with an order under sub-section (5) of Section 10. Sub-section (6) to Section 10 again speaks of "possession" which says, if any person refuses or fails to comply with the order made under sub section (5), the competent authority may take possession of the vacant land to be given to the State Government and for that purpose, force as may be necessary can be used. Sub-section (6), therefore, contemplates a situation of a person refusing or fails to comply with the

order under sub-section (5), in the event of which the competent authority may take possession by use of force. Forcible dispossession of the land, therefore, is being resorted only in a situation which falls under sub-section (6) and not under sub-section (5) to Section 10. Sub-sections (5) and (6), therefore, take care of both the situations, i.e. taking possession by giving notice that is "peaceful dispossession" and on failure to surrender or give delivery of possession under Section 10(5), then "forceful dispossession" under sub-section (6) of Section 10.

37. Requirement of giving notice under sub-sections (5) and (6) of Section 10 is mandatory. Though the word 'may' has been used therein, the word 'may' in both the sub-sections has to be understood as "shall" because a court charged with the task of enforcing the statute needs to decide the consequences that the legislature intended to follow from failure to implement the requirement. Effect of non-issue of notice under sub-section (5) or sub-section (6) of Section 10 is that it might result the land holder being dispossessed without notice, therefore, the word 'may' has to be read as 'shall'.

39. Above-mentioned directives make it clear that sub-section (3) takes in only de jure possession and not de facto possession, therefore, if the land owner is not surrendering possession voluntarily under sub-section (3) of Section 10, or surrendering or delivering possession after notice, under Section 10(5) or dispossession by use of force, it cannot be said that the State Government has taken possession of the vacant land.

40. The scope of Act 33 of 1976 came up for consideration before this Court on few occasions; reference may be made to certain judgments, even though there has been no elaborate discussion of the provision of the Act and its impact on the Repeal Act. Reference may be made to Pt. Madan Swaroop Shrotiya Public Charitable Trust v. State of U.P. and Others (2000) 6 SCC 325, Ghasitey Lal Sahu and Another v. Competent Authority, Under the Urban (Ceiling and Regulation Act, 1976), U.P. and Another (2004) 13 SCC 452, Mukarram Ali Khan v. State of Uttar Pradesh and Others (2007) 11 SCC 90 and Vinayak Kashinath Shilkar v.

Deputy Collector and Competent Authority and Others (2012) 4 SCC 718.

#### EFFECT OF THE REPEAL ACT

41. Let us now examine the effect of Section 3 of the Repeal Act 15 of 1999 on sub-section (3) to Section 10 of the Act. The Repeal Act 1999 has expressly repealed the Act 33 of 1976. The Object and Reasons of the Repeal Act has already been referred to in the earlier part of this Judgment. Repeal Act has, however, retained a saving clause. The question whether a right has been acquired or liability incurred under a statute before it is repealed will in each case depend on the construction of the statute and the facts of the particular case.

42. The mere vesting of the land under sub-section (3) of Section 10 would not confer any right on the State Government to have de facto possession of the vacant land unless there has been a voluntary surrender of vacant land before 18.3.1999. State has to establish that there has been a voluntary surrender of vacant land or surrender and delivery of peaceful possession under sub-section (5) of Section 10 or forceful dispossession under sub-section (6) of Section 10. On failure to establish any of those situations, the land owner or holder can claim the benefit of 4 of the Repeal Act. The State Government in this appeal could not establish any of those situations and hence the High Court is right in holding that the respondent is entitled to get the benefit of 4 of the Repeal Act.

15. The above Judgment was followed in the case of ***Gajanan Kamliya Patil v. Addl. Collector and Comp. Auth. And Ors.***<sup>2</sup> and observed as follows:

13. We have, therefore, clearly indicated that it was always open to the authorities to take forcible possession and, in fact, in the notice issued under Section 10(5) of the ULC Act, it was stated that if the possession

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<sup>2</sup> (2014) 12 SCC 523

had not been surrendered, possession would be taken by application of necessary force. For taking forcible possession, certain procedures had to be followed. Respondents have no case that such procedures were followed and forcible possession was taken. Further, there is nothing to show that the Respondents had taken peaceful possession, nor there is anything to show that the Appellants had given voluntary possession. Facts would clearly indicate that only de jure possession had been taken by the Respondents and not de facto possession before coming into force of the Repeal Act. Since there is nothing to show that de facto possession had been taken from the Appellants prior to the execution of the possession receipt in favour of MRDA, it cannot hold on to the lands in question, which are legally owned and possessed by the Appellants. Consequently, we are inclined to allow this appeal and quash the notice dated 17.2.2005 and subsequent action taken therein in view of the repeal of the ULC Act. The above reasoning would apply in respect of other appeals as well and all proceedings initiated against the Appellants, therefore, would stand quashed.

16. The Hon'ble Supreme Court in the case of ***Vinayak Kashinath Shilkar v. Deputy Collector and competent authority and others***<sup>3</sup> observed as follows:

9. It is clear from the above provisions that where the possession of the vacant land has not been taken over by the State Government by any person duly authorised by the State Government in this behalf or by the Competent Authority, the proceedings under the Act would not survive. Mere vesting of the vacant land with the State Government by operation of law without actual possession is not sufficient for operation of Section 3(1)(a) of the Repeal Act.

17. Coming to the facts of this case, upon re-looking the proceedings of the authorities concerned as referred supra, there was a Gazette notification

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<sup>3</sup> (2012) 4 SCC 718

dated 12.07.2007 of the notice issued by the 2<sup>nd</sup> respondent under section 10(1) of the Urban Land (Ceiling & Regulation) Act, 1976 mentioning the particulars of the land as under:

State	District	Taluk	Name of the owner or Regd. holder or other person interested with land	Description of the land	Extent in Sq. Mts.
(1)	(2)	(3)	(4)	(5)	(6)
A.P.	Visakhapatnam	Marripalem Village	A.P.E.E.C., Ltd.,	Vacant land in Sy.No.59/3	8437.48 Sq. Mtrs., (B-Category) Equivalent to 12,656.22 Sq. Mtrs., (C-Category)
<p>P.BHANU MURTHY, Special Officer &amp; Competent Authority, Urban Land Ceilings, Hyderabad.</p>					
<p>Hyderabad, 07-07-2007.</p>					

And there was an order of the 2<sup>nd</sup> respondent vide proceedings No.G1/10571/76, dated 05.02.2008 in the matter of taking over possession of surplus land pursuant to the notice under section 10(5) of the Act dated 05.01.2008 asking the 5<sup>th</sup> respondent in W.P.No.8176 of 2008 to deliver the possession of the following surplus land within 30 days from the date of service of notice under section 10(5) of the Act.

S.No.	Description of the property	Location	Extent in Sq. Mtrs.
1.	Sy.No.74/P, 75/P, 76/P  Sy.No.59/3	Fatehnagar Vg., Balanagar Mandal, Ranga Reddy District.  Marripalem Vg., Visakhapatnam Dist.	46538.43 Sq. Mtrs.  8437.48 Sq. Mtrs. (B-Category) Equivalent to 12656.22 Sq. Mtrs. (C-Category)

18. Since they failed to deliver the possession before the expiry date, the concerned Enquiry Officer was authorized to take over the possession of land

in question under section 10(6) of the Act and hand over the same to the Mandal Revenue Officer concerned by reporting compliance within one week positively. We are only concerned with the subject matter of the land in Sy.No.59/3 of Marrisipalem Village, Visakhapatnam District. These two impugned proceedings were preceded by the earlier proceedings of the 2<sup>nd</sup> respondent vide proceedings No.G1/10571/76, dated 03.04.2004, passing a final order under section 8(4) of the Urban Land (Ceiling & Regulation) Act, 1976, the order of the Commissioner, Appeals in Appeal No.HYD/11/2005, dated 28.07.2005 under section 33 of the U.L.(C&R) Act, 1976 against the orders of the 2<sup>nd</sup> respondent under section 8(4) of the Act, the order of the 2<sup>nd</sup> respondent dated 20.03.2007 issued by way of revised orders under section 8(4) of the Act and the letter of the 3<sup>rd</sup> respondent addressed to the 2<sup>nd</sup> respondent dated 31.10.2007 which are already referred supra.

19. Even according to the stand of the 2<sup>nd</sup> respondent, the contentions of the petitioners were denied specifically and it was clearly mentioned that only after deleting the lands under section 4(11) of the Act and the lands covered by roads/Green belt, the revised final order was issued and the statutory orders were issued under sections 10(1), 10(3), 10(5) & 10(6) of the U.L. (C&R) Act, 1976. It is borne out of the record that the case was processed further and the possession of the surplus land covering an extent of 12,656.22 Sq. Mtrs. in Sy.No.59/3 of Marrisipalem Village, Visakhapatnam District was taken over vide panchanama dated 12.03.2008 in terms of the impugned order under section 10(6) of the Act, for which there was no legal hurdle. The said

panchanama dated 12.03.2008 was reduced into writing in the presence of the witnesses who signed the said document. According to it the respondent officers concerned took over the possession of the subject land duly on 12.03.2008 itself. The petitioners miserably failed to establish that there was no vesting of the subject property in the State Government and there was no forceful dispossession from the subject property there on.

20. In W.P.No.21580 of 2008 and Batch, dated 28.03.2017, between ***N.Linga Rao and others v. The Government of Andhra Pradesh and others***<sup>4</sup>, the erstwhile High Court of Judicature for the State of Telangana and the State of Andhra Pradesh at Hyderabad, at para No.27 of the said order held that “From the above analysis and also on the facts pleaded by both sides, it becomes crystal clear that there was no demarcation and division of the lands of the petitioners, which admittedly are joint family properties, and there is no material to show that the possession of the surplus land was taken before Repeal Act came into force in the State i.e., on 27.03.2008, and therefore, the impugned proceedings initiated against the petitioners under the ULC Act lapsed in view of Section 3 of the Repeal Act. In the result, the impugned proceedings initiated by the 2<sup>nd</sup> respondent are quashed and the writ petition No.21580 of 2008 is allowed”.

21. It was a case where there was no demarcation and division of lands and no material to show that the surplus land was taken before the Repeal Act came into force. Hence the said decision has no application to the facts and

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<sup>4</sup> MANU/AP/0219/2017

circumstances of these cases on hand. Upon perusal of the record and consideration of the facts and circumstances applying the above said provisions of law and the decisions, it is well established that the respondent authorities concerned followed the due procedure and took over possession of the subject land under a valid panchanama dated 12.03.2008 and as such this Court is not inclined to interfere with the impugned action of the respondents.

22. In the result, these writ petitions are dismissed. There shall be no order as to costs. Interim orders if any deemed to have been vacated.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

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**JUSTICE B KRISHNA MOHAN**

*Date : 04.02.2025*

*Note : LR copy to be marked*

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