

MAHNOOR FATIMA IMRAN & ORS. (APPELLANTS)

VS.

M/S VISWESWARA INFRASTRUCTURE PVT. LTD & ORS. (RESPONDENTS)

This case is about the rightful ownership and possession of 53 acres of land in Raidurg Panmaktha, Telangana. The Telangana State Industrial Infrastructure Corporation Limited (TSIICL), a government entity, is attempting to take possession of this land, which the writ petitioners (the current occupants) are claiming ownership of.

BACKGROUND

The 53 acres are a part of a larger 523.31-acre property, originally owned by 11 individuals. This land came under two key land reform laws- the **Andhra Pradesh Land Reforms Act (1973)** and the **Urban Land Ceiling Act (1976)**. Under the former Act, approximately 99.07 acres of the original owners' land were considered surplus and taken over by the government in 1975. The owners declared their land under the Urban Land Ceiling Act, wherein an additional 470.33 acres was considered surplus. This extra land was allotted to the Hyderabad Urban Development Authority (HUDA) and later to APIIC, the company that later became TSIICL.

The contested 53 acres are part of the 99 acres originally taken under the Land Reforms Act. Representatives of the original owners argued that the land be returned and that possession had been handed over to them in 1990.

The writ petitioners claim they are in possession of the 53 acres as per the registered title deeds. They say they got the land from M/s Bhavana Co-operative Housing Society Ltd., who allegedly got possession in 1982 through a sale agreement.

LEGAL BATTLES AND DISPUTES:

- The validation of Bhavana Society's sale agreement of 1982 was later declared fraudulent by a district registrar.
- The No-Objection certificates for the writ petitioners were also cancelled.
- A lawsuit by Bhavana Society, for specific performance was dismissed.
- Past court decisions have upheld the government's taking over of much of the larger tracts of land, including the 424.13 acres which are now with TSIICL.

THE PRESENT APPEAL: The writ petitioners are trying to stop TSIICL from evicting them without proper legal steps, arguing they have the right to stay because they possess the land. The High Court's Division Bench agreed, stating that even if ownership is unclear, someone in possession cannot be illegally removed. This appeal challenges that ruling.

ARGUMENTS BY BOTH COUNSELS

For the Appellants (Original Owners' Side): The counsel for the appellants argued that the sale agreement from 1982 was invalid. Hence the later ownership documents (title deeds) based on it were incorrect. He pointed out that the seller in those documents, Bhavana Society had attempted to get full ownership of the land through a lawsuit but it was dismissed. He also mentioned a CBI investigation where the sale deeds were found to be fraudulent, leading to criminal charges against the petitioners. He claimed that his clients, the original owners, were in possession of the 53 acres.

For the Respondents (Writ Petitioners' Side): Their lawyer argued that the sale deeds had not been legally challenged or set aside. He suggested that the appellants' case was just speculation, fuelled by a development agreement between the appellants and a builder who was secretly funding the legal battle. The end goal was for the appellants (residing abroad) to gain possession, allowing the builder to proceed with their activities on the disputed land.

For the State of Telangana: The counsel for the State argued that the 99.07 acres of land, which includes the 53 acres under dispute, legally belong to the State under the Land Reforms Act. He stated that there was no reason to return the land to the original owners since they had claimed it was agricultural land when the law came into effect. He further stressed that even though the Urban Land (Ceiling and Regulation) Act, 1976, was repealed, the vesting of land under that Act remained final, a point confirmed by prior Supreme Court judgments.

THE SUPREME COURT'S JUDGMENT AND REASONING

The Supreme Court agreed with the original Single Judge's decision and dismissed the writ petitioners' appeal.

Reasons Given:

Doubtful Ownership: The Court found that the writ petitioners were unable to prove they had valid ownership of the land. The 1982 sale agreement, upon which their claim was based, was never properly registered, which is mandatory for property transfers. The Court noted significant differences and suspicious details between two versions of the 1982 sale agreement. They highlighted that a previous lawsuit on this agreement was dismissed and not restored.

No Proof of Possession: The Court stressed that actual physical possession has to be clearly shown, especially in such cases. The writ petitioners failed to prove they were actually in physical possession of the land and simply relying on old interim court orders did not confirm current possession.

Fraudulent Practices: The Court noticed significant evidence of fraudulent activities, including the petitioners making conflicting claims to different government authorities and engaging in multiple property transactions. This appeared as if it was designed to undermine the government's legal acquisition of the land.

Earlier Rulings: The Court affirmed that previous Supreme Court decisions had already confirmed the State's ownership and taking possession of the larger tracts of land

Limited Power of High Court: The Court explained that it was only making prima facie observations. They were not deciding on who owned the land, but rather that the petitioners had not presented a strong enough case to justify the High Court's intervention (under Article 226). The complex issues of ownership and possession would need to be sorted out in a regular civil court, if such legal avenues were permissible.

This ruling emphasizes the necessity of duly registered conveyance deeds for the transfer of land ownership. Secondly, to get protection from being removed from a property in special court cases, it is important to prove one is in actual physical possession of the property. This is especially imperative when there are claims of fraud when the government has a legal right to the land.