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IN THE COURT OF THE ¹⁸¹ SENIOR CIVIL JUDGE
RANGA REDDY DISTRICT :: AT L.B.NAGAR.

O.S.NO. 197 OF 2003

BETWEEN

1. Smt.S.Chilakamma,
W/o.Late S.Sathi Reddy,
alias Sathaiah,

Aged about : 75 years,
Occ: Agriculture.
2. Smt.Yadamma,
W/o.P.Malla Reddy
aged about : 54 years,
Occ:House Wife,
3. Sri.S.Anji Reddy,
S/o.Late S.Sathi Reddy
alias Sathaiah, Aged about
49 years, Occ: Agriculture
4. Smt.Balamani,
W/o.K.Gopal Reddy
aged about : 47 years,
Occ: House Wife
5. Sri.S.Nadhusudhan Reddy,
S/o.Late S.Sathi Reddy,
alias Sathaiah, Aged about
40 years, Occ: Agriculture
6. Sri.S.Dhanpal Reddy,
S/o.Late S.Sathi Reddy,
alias Sathaiah, Aged
about : 36 years,
Occ: Agriculture
7. Sri.S.Srinivas Reddy,
S/o.Late S.Sathi Reddy,
alias Sathaiah, Aged about
34 years, Occ: Agriculture

All are residents of 1-9-184,
Kushalguda, Kapra Municipality,
Keesara Mandal,
Ranga Reddy District

... PLAINTIFFS.

A N D

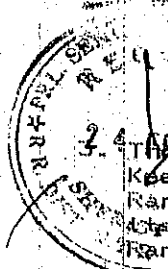
1. The District Collector,
Ranga Reddy District
having its office at
Khairtabad, Hyderabad.
2. The Revenue Divisional Officer,
East Division, Ranga Reddy
District, having its office
at Goshamahal, Hyderabad.

CONTD..2..

Smt. S. Chilakamma
at Hyderabad

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3. The Mandal Revenue Officer,
Keesara Mandal,
Ranga Reddy District having
office at Keesara,
Ranga Reddy District

4. The Commissioner,
Kupra Municipality,
having its office at
Kupra Village, ECIL X Roads,
Keesara Mandal, Ranga Reddy
District.

... DEFENDANTS

CLAIM : SUIT FOR PERPETUAL INJUNCTION

PLAINT FILED UNDER SECTION-26, ORDER-7, RULE-1 OF C.P.C.

I. DESCRIPTION OF THE PLAINTIFFS

The description of the plaintiffs and the addresses for all the purposes, services and notices etc., is the same as above mentioned in the cause title and that of their counsel M/S. R. MAHENDER REDDY, Advocate, 3-4-353, Lingampally, Opps Reddy Women's College, (Commerce Building) Hyderabad - 500 027.

II. DESCRIPTION OF THE DEFENDANTS

The description of the defendants and the addresses for the purpose of service of all processes, notices etc., is the same as above mentioned in cause title.

III. THE PLAINTIFFS HEREIN MOST HUMBLLY BEGS TO SUBMIT AS UNDER:

1. The plaintiffs herein are absolute assignees and possessors of land admeasuring Ac.16.24 gts., in Sy.No.199/1, of Kapra Village, Keesara Mandal, Ranga Reddy District which is more clearly delineated in the schedule of property hereunder and hereinafter termed as suit schedule property.
2. The plaintiffs submits that initially the husband of the plaintiff No.1 and father of plaintiffs 2, 3, 5 to 7 and father-in-law of Plaintiff No.4 namely Late S.Sathi Reddy alias Sathaiah

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herein was allotted with an extent of Ac.5.00 gts., in the year 1952 under the Land Assessment Rule provided under BOD Standing Orders. Likewise the other extent of Ac.8.24 gts., along with the above said Ac.5.00 gts., was in possession of Late S.Lingaiah alias Linga Reddy who is the ancestor of the plaintiff since from the immemorial time. Later by virtue of such assignment and allotment the husband of Plaintiff No.1 was put in possession of the entire suit schedule property which is continued with the plaintiffs after the demise of late S.Sathi Reddy alias Sathaiiah.

3. The plaintiffs submit that the suit schedule property is continuously enjoyed by the plaintiffs though the land is Government by nature. At that junction the Government of Andhra Pradesh initiated proposals to take possession of an extent of Ac. 8.00 gts., out of the suit schedule property. In continuation of such proposal the Government had initiated proceedings before the A.F. Land Grabbing (prohibition) Act with L.G.C. No.77 of 1989 against the husband of the Plaintiff No.1 herein along with 19 others. In the said proceedings the husband of the plaintiff No.1 herein appeared along with others and filed their respective claims which was heard at length by the Hon'ble Special Court. Thereafter while making a detailed enquiry by the Special Court it was appreciated the possession of plaintiffs over the suit schedule property and also confirmed along with others that the plaintiffs are not grabbers within the meaning of the Act.

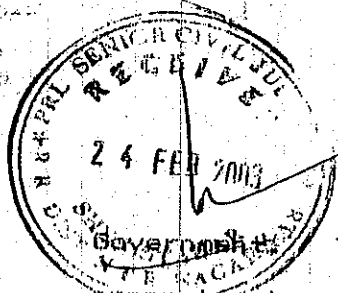
4. The plaintiffs submit that the ownership of the suit schedule property prior to allotment in favour of plaintiffs and others was not disputed as it is vested with Government. However it is an admitted fact that the plaintiffs are in possession of suit schedule property as permissive possessors to the knowledge of the

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The plaintiffs have improved the suit schedule property to cultivate as it was not viable earlier. For such conversion the plaintiffs are invested their lifetime energy and earnings. It is evident and in the knowledge of every one that originally the suit schedule property was rocky, barren and unfit for cultivation but the same was made in to viable for cultivation by digging open wells also. This development made by the plaintiffs incurred huge amounts and in those circumstances the plaintiffs along with several others made representations to the authorities for allotment or assignment of the property considering their possession over it for the last more than 7 decades.

5. The plaintiffs submit that the Special Court had passed the judgement on 24.03.1992 in L.O.C. No.71 of 1989 which was filed by the defendants herein against the plaintiffs i.e., husband of plaintiff No.1, and others in respect of suit schedule property and other extents. The judgement of the Special Court it was opined as under:

"24. We are clearly of the opinion that the statutory rights under the above rules are not lost till their applications are considered under the above rules and proper orders are issued terminating their occupation. Till their occupation is terminated by valid notice, their occupation is clearly permissive and cannot be termed as unlawful and they cannot be treated as land grabbers.

25. Recently our High court held even as per the administrative direction given for assignment of lands for landless poor the eviction proceedings against those for landless poor the eviction proceedings against those persons under Land Encroachment Act without considering their applications was found to be illegal and unsustainable and the proceedings were quashed vide 1989(3) ALJ 129.

26. The said principle applies with greater force when the respondents are entitled to be in possession as their occupation is ancient one, and their claims for assignment should be considered as per the principles laid down in the above Statutory Rules under 'old occupation'. In view of this, we find that the respondents are not land grabbers within the meaning of the Act and the Proceedings in this court are not sustainable and hence the application is not

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maintainable against them and the same is dismissed. However, we make no orders as to costs".

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6. The plaintiffs further submit that the defendants themselves admitted that the plaintiffs are in possession of the suit schedule property but they have been assigned with Ac.5.00 gts., out of it and other extent is under their occupation which is subjected before various authorities for consideration to allot in favour of the plaintiffs. The plaintiffs being in possession of the suit schedule property are paying revenue tax to the department and were also issued with title deeds and pass books. The defendants though admitted the possession of the plaintiffs over the suit schedule property declined to issue pahanies as the schedule property is recorded as Government Land. To that affect a memo is being issued.

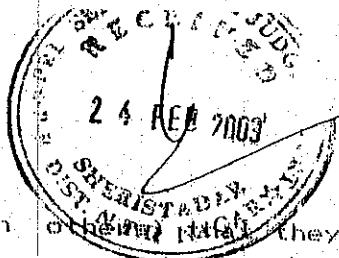
7. The plaintiffs during the tenure of late S.Sathi Reddy had also made representation to the District Collector Ranga Reddy District for assignment of portion of the suit schedule property as the rest is already granted which is pending for consideration. Later the ancestors of the plaintiff made a representation to the Principal Secretary, Revenue Department, Government of Andhra Pradesh on 9.8.2001 praying for assignment of other extents which is not assigned but under the occupation of plaintiffs forming part of suit schedule property. It is essential to submit that the plaintiffs along with others had also filed a Writ Petition No.6642 of 1992 against the Government on a direction to direct the Government for according assignment in favour of the plaintiffs to the extent of unassigned portion of the suit property under Old Occupants Rules. The writ petition was disposed off by the Hon'ble High Court of Andhra Pradesh on 7.12.1993 with the following direction:

"the contention of the petitioners (plaintiffs herein along

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with other ~~parties~~ they are in possession of the land since long time and was also confirmed by the Land Grabbing Tribunal. The other direction to assign the land to the petitioners was refused by the Tribunal on the ground that as per G.O.Ms.No.633 Dt.5.5.1982 the land cannot be assigned. Now the only remedy left open to the petitioners is to approach the Government for relaxation of the condition imposed in the G.O.

In view of the fact that the petitioners are in possession of land since long time I think it just and proper to direct the petitioners to approach the Government by filing a petition for relaxation of the condition imposed in G.O.Ms.No.633 dt.5.5.1982 to the extent of petitioners and for a direction to assign the land in their favour. After filing the petition the Government is directed to dispose off the same after considering the judgement of the Land Grabbing Tribunal and also by giving opportunity of hearing to all the effected parties within three weeks from the date of receipts of the petition"

The above direction was made by the Hon'ble High Court of Andhra Pradesh and in consequent of it the application is filed before Government which is in process.

8. The plaintiffs submit that whileso the defendants though had knowledge that the plaintiffs are in possession of entire suit schedule property including the assigned land of Ac.5.00 gts., in Sy.No.199/1 which is being accounted again as 199/34 trying to dispossess without initiating any proceedings as envisaged under the Land Encroachment Act. The defendants with such intention of taking over the possession from the plaintiffs had entered the suit schedule property on 21.2.2003 along with their assistants and canvased that they will take the possession of it. The plaintiffs made their explanations to them as the defendants have

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got no right to take possession of the property without following the procedure for recovery more particularly when the matter is subjudiced. Though the plaintiffs made such request cum explanations the defendants were relectant to hear the request and warned to vacate the suit schedule property at the earliest or otherwise they will use force to dispossess the plaintiffs. The plaintiffs being law abiding citizens unable to protest the un procedural actions of the defendants to protect their rightful possession over the suit schedule property. The actions of the defendants infers to be malafide as they have not issued any notice of eviction as required under section-7 of Land Encroachment Act. In those circumstances the plaintiffs are left with no other remedy except to approach this Hon'ble Court by way of the present suit for perpetual injunction against the defendants. The plaintiffs are also filing a separate application for grant of interim injunction orders along with the suit as immediate and urgent orders are required to protect the suit schedule property.

9. The plaintiffs submit that the defendants being the part of Government notice under Section 80 Clause 1 of C.P.C. is mandate, but in the given circumstances the matter includes urgency as such the mandate notice may be dispensed with for lodging the above suit as envisaged under Section 80 Clause 2 of C.P.C. for which a separate application is being filed.

10. The plaintiffs submit that they have not filed any suit or suits against these defendants with regard to the suit schedule property and no matter is pending between these parties with regard to the present relief. In the above circumstances the plaintiffs are entitled to sue and the defendants are liable to be sued.

CONTD..B.

(Handwritten signatures and stamps)
R. J. Chakraborty
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11. plaintiffs submit that the cause of action arose for this suit in the year 2003 when the defendants along with their subordinates, assistants entered the suit schedule property and tried to ear mark by giving warning to the plaintiffs for vacating the suit schedule property without any due process of law and the same is still subsisting.

12. The plaintiffs submit that the claim of the suit is for perpetual injunction as such the same is notionally valued at Rs.1,10,000/- for which a court fee of Rs. 3026/- is paid under Section-26(c) of A.P.C.F. and S.V.Act and the same is sufficient.

13. The plaintiffs submit that the suit schedule property is situated at Kapra Village, Keesara Mandal, Ranga Reddy District and hence this Hon'ble Court has got territorial and pecuniary jurisdiction to entertain this suit.

It is therefore prayed that this Hon'ble Court may be pleased to pass a judgement and decree of :

- a) Perpetual Injunction in favour of the plaintiffs restraining the defendants, its subordinates, workers, agents, etc., from dispossessing the plaintiffs from their possession and enjoyment over the suit schedule property, otherwise in due process of law
- b) Award costs of these proceedings, and
- c) Pass such other and further relief or reliefs as are deemed fit and proper in the circumstances of the case and in the interest of justice.

PLACE: L.B.NAGAR
DATE : 24.02.2003

PLAINTIFF NO.1

PLAINTIFF NO.2

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COUNSEL FOR PLAINTIFFS

- PLAINTIFF NO.3
- PLAINTIFF NO.4
- PLAINTIFF NO.5
- PLAINTIFF NO.6
- PLAINTIFF NO.7

VERIFICATION

We, the above named plaintiffs do hereby declare that the contents stated above in the plaint are true and correct to the best of our knowledge and belief. Hence, verified.

PLACE: L.B.HAGAR
DATE : 24.02.2003

- PLAINTIFF NO.1
- PLAINTIFF NO.2
- PLAINTIFF NO.3
- PLAINTIFF NO.4
- PLAINTIFF NO.5
- PLAINTIFF NO.6
- PLAINTIFF NO.7
- CONTD..10.



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SCHEDULE OF PROPERTY

of the agricultural land admeasuring Ac.16-24 gts. in Survey No.199/1; which is now accounted as 199/34 of Kapri Village, Keesara Revenue Mandal, Ranga Reddy District and bounded on:

NORTH : Sy. No. 192
SOUTH : Sy. No. 193 & 194
EAST : Valari Shiva Nagar
WEST : part of 199/1 & 191

PLACE : L.B.NAGAR
DATE : 24.02.2003

PLAINTIFF NO.1

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PLAINTIFF NO.2

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PLAINTIFF NO.3

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PLAINTIFF NO.4

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PLAINTIFF NO.5

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PLAINTIFF NO.6

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PLAINTIFF NO.7

[Signature]

COUNSEL FOR PLAINTIFFS

VERIFICATION

We, the above named plaintiffs do hereby declare that the contents stated above in the schedule of property is true and correct to the best of our knowledge and belief. Hence, verified.

PLACE : L.B.NAGAR
DATE : 24.02.2003

PLAINTIFF NO.1
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PLAINTIFF NO.2

PLAINTIFF NO.3

PLAINTIFF NO.4

PLAINTIFF NO.5

PLAINTIFF NO.6

PLAINTIFF NO.7

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LIST OF DOCUMENTS

Sl. No.	Date	Parties to the document	Description of the document
01.		Plaintiffs	Original Title Deed
02.		-do-	Original Rythu Pass Book
03.		-do-	Original Title Deed
04.		-do-	Original Rythu Pass Book
05.		-do-	Original Title Deed
06.		-do-	Original Rythu Pass Book
07.		-do-	Original Title Deed
08.		-do-	Original Rythu Pass Book
09.		-do-	Original Title Deed
10.		-do-	Original Rythu Pass Book
11.		-do-	C.C. of the Revenue Receipt
12.	10.6.1963	-do-	C.C. of the Revenue Receipt
13.	17.6.1965	-do-	C.C. of the Revenue Receipt
14.		-do-	C.C. of the Revenue Receipt
15.	17.7.1965	-do-	C.C. of the Revenue Receipt

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16. 24.02.2003 -do- C.C. of the Revenue Receipt
17. -do- C.C. of the Revenue Receipt
18. -do- C.C. of the Revenue Receipt
19. 1.1972 -do- C.C. of the Revenue Receipt
20. -do- C.C. of the Revenue Receipt
21. -do- C.C. of the Revenue Receipt
22. 26.10.1988 -do- C.C. of the Revenue Receipt
23. -do- C.C. of the Revenue Receipt
24. -do- C.C. of the Pass Book extract
25. -do- C.C. of the Pass Book extract
26. -do- C.C. of the Pass Book extract
27. 14.12.1997 -do- C.C. of the Pass Book extract
28. 14.6.1995 -do- Original Revenue Receipt
29. 3.6.1994 -do- Original Revenue Receipt
30. 14.12.1997 -do- Original Revenue Receipt
31. 14.6.1995 -do- Original Revenue Receipt
32. 3.6.1994 -do- Original Revenue Receipt
33. 10.02.2003 -do- Original Revenue Receipt
34. 27.07.1995 -do- Original Memo issued by the MRO.
35. 13.04.1993 -do- Original acknowledgement of District Collector.
36. 07.12.1993 -do- Letter between the RDD and MRO
37. 09.08.2001 -do- Copy of the orders in W.P.No. 6642 of 1992.
38. 24.03.1992 -do- Office copy of the representation to the Secretary Revenue Department Government of Andhra Pradesh.
- C.C. of the Judgement and Decree in L.G.C. No.71 of 1989.

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PLACE: L.B.NAGAR
DATE: 24.02.2003

PLAINTIFF NO.1

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PLAINTIFF NO.2

CONTD. 13..

IN THE COURT OF THE **GENL**
CIVIL JUDGE RANGA REDDY DIST
AT L.B.NAGAR

D.S.NO. OF 2003



BETWEEN

Smt. S. Chilakamma,
and others

... PLAINTIFF

A N D

The District Collector,
Ranga Reddy District
and others

... DEFENDANT

BETWEEN

1. Smt
W/o
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At
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V

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CLAIM :
SUIT FOR PERPETUAL INJUNCTION

PLAINT FILED UNDER SECTION-26
ORDER-7, RULE-1 OF C.P.C.

FILED ON : 24.02.2003

FILED BY: COUNSEL FOR PLAINTIFFS

M/S R. MAHENDER REDDY
Advocates,
3-4-353, Lingampally,
Opp. Reddy Women's College,
(Commerce Building),
HYDERABAD - 500 027.

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PLAINTIFF NO. 3

W. P. W.
PLAINTIFF NO. 4

J. J.
PLAINTIFF NO. 5

D. P. P.
PLAINTIFF NO. 6

P. P.
PLAINTIFF NO. 7

[Signature]

COUNSEL FOR PLAINTIFFS

IN THE COURT OF III ADDL. SENIOR CIVIL JUDGE: RANGA REDDY
DISTRICT. AT L.B. NAGAR.

JAN 13 4 11
O.S. No. 197 of 2003.

Between:

Smt. S. Chilkamma and others.

--- PLAINTIFFS.

VS.

The State of A.P. Rep. by District
Collector, R.R. District and others.

--- DEFENDANTS.

COUNTER AFFIDAVIT

I, S. Rajesh Kumar S/o S. Narsaiah, aged about 45 years, Occ:
Tahsildar, Keesara Mandal, R.R. District, do hereby solemnly affirm and
state on oath as follows:

- 1) That I am defendant No.3 in the above suit and as such I know the facts of the case. I am filing this affidavit on my behalf as well as on behalf of the defendants 1 and 2.
- 2) At the outset I submit that the plaintiffs have filed the above false and speculative petition against the respondents herein by gross misrepresentation. I submit that this Hon'ble Court was pleased to reserve the above suit for judgement. At this juncture, the plaintiffs have come up with present speculative application without any valid grounds and without filing the reopen petition. I submit the petitioners have not filed the petition in a proper procedure. Therefore, the petition ought to have been rejected at the time of filing of it by section. I submit that the present petition is not maintainable either in law or on facts without filing the reopen petition.
- 3) In reply to paras one to five of the affidavit, I submit that one K. Jagan Reddy has filed W.P.No.9586 of 2010 against the Government and the same was dismissed by Hon'ble High Court. Neither the said Jagan Reddy is party to the present suit nor any concern to the suit property. I submit that the suit filed by the plaintiffs in the year 2003 seeking the relief of perpetual injunction. In a suit for perpetual injunction, the plaintiffs have to establish their possession as on the date of filing of suit. In the instant case, the plaintiffs failed to establish their alleged

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TAHSILDAR
KEESARA MANDAL
RANGA REDDY DIST.

possession as on the date of filing of suit or prior to it. Therefore, the question of granting injunction in favour of the plaintiffs does not arise. Infact, in the above suit, both the parties led their oral and documentary evidence and filed written arguments. The suit is reserved for judgment. I submit that at this stage, the plaintiffs have come up with a speculative application without any valid grounds only to drag on the matter under one pretext or the other. Therefore, the petition is liable to be dismissed. I submit that the other allegations made in the paras under reply are false and baseless, hence denied.

Hence, I pray that the Hon'ble Court may be pleased to dismiss the petition under reply with costs.

Sworn and signed before me
On this 21st day of November, 2011.

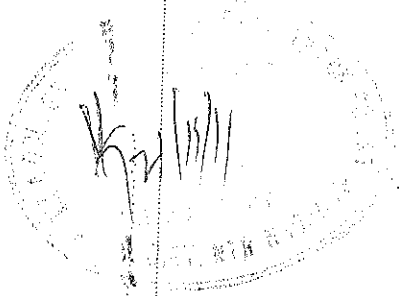
R. Venkatesh
ADVOCATE.

(Raghunath H)

M. Rangaraj
DEPONENT.

KEESARA RANGARAJ
RANGA REDDY B.S.





THE COURT OF III ADDL. SENIOR
CIVIL JUDGE: RANGA REDDY,
DISTRICT. AT L.B. NAGAR.

JAN 17 2011
O.S. No. 197 OF 2003.

Between:

Smt. S. Chilamma and others.

--- PLAINTIFFS.

VS.

The District Collector,
R.R. Dist., and others.

--- DEFENDANTS.

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COUNTER AFFIDAVIT

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Filed on: 21-11-2011

Filed by:

Y. Kondal Reddy.AP/3958/99
Government Pleader.

Counsel for the Defendants 1 to 3.

IN THE COURT OF III ADDITIONAL SENIOR CIVIL JUDGE:
R.R.DISTRICT:
AT L.B. NAGAR.

O.S.NO. 197 OF 2003

Between:

Smt. S. Chilakamma & Others represented by their agent/ attorney
holder Dr. M. Sharath Chandra Reddy

... PLAINTIFFS

And

District Collector, Ranga Reddy District and others

..DEFENDANTS

MEMO FILED BY THE PLAINTIFFS

MAY IT PLEASE YOUR LORDSHIP

1. It is respectfully submitted that the Division Bench of Hon'ble High Court in W.P.No. 9586 / 2010 filed against the petitioners/plaintiffs herein are the respondents 6 to 9 therein on the same issue and the same subject matter praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate direction more specifically one in the nature of Writ of Mandamus declaring the action of the District Collector i.e. first respondent therein in not evicting the petitioners/ plaintiffs herein and respondents 6 to 9 therein from the land in Sy.No.199 to an extent of Ac.12.00, H/o. Kapra, Kushaiguda Village, Keesara Mandal, R.R.District pursuant to the letter in Lr.L.C.3/609/03, dated 29.1.2003 on the ground of prescriptive title of petitioners/ plaintiffs herein and respondent 6 to 9 therein over subject lands as arbitrary and illegal and consequently direct the District Collector i.e first respondent therein to evict the petitioners/plaitiffs herein and respondents 6 to 9 therein from the land in Sy.No.199 to an extent of Ac.12.00, H/o. Kapra, Kushaiguda Village, Keesara Mandal, R.R.District and take necessary steps to construct the proposed stadium thereon as proposed by the Government and pass such other order or orders as this Hon'ble Court may deem fit and proper.

2. It is further respectfully submitted that the official respondents in the said writ petition are the respondents/defendants herein is filed a memo along with all the material papers relying now and sought a direction from the Division Bench of Hon'ble High Court to permit the respondents/defendants herein to evict the petitioners/plaintiffs herein from



the suit schedule prosperities i.e from land in sy.no. 199/1 to an extent of 12 Acres H/o: Kapra, Kushaiguda Village, Keesara Mandal, R.R.District. but the Hon'ble High Court after hearing the matter in its order dated 14-9-2010 categorically held that

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Therefore, this Court finds, in view of the above civil suits filed and finding recorded by the Land Grabbing Court, it is established that the respondents 6 to 9 are in possession of the subject land for more than statutory period and they cannot be evicted without following due process of law namely, by filing a civil suit for declaration and establishing title."

It is further respectfully submitted that the defendants herein are not preferred any appeal on the said Division Bench orders, as such the orders passed by the Division Bench on 14-9-2010 deciding the issue have become final in favour of petitioners/plaintiffs herein.

3. It is further respectfully submitted that it is settled law by the Hon'ble Supreme Court that the principles of estoppels and res judicata are based on public policy and justice. Doctrine of res judicata is often treated as a branch of the law of estoppels though these two doctrines differ in some essential particulars. Rule of res judicata prevents the parties to a judicial determination from litigating the same question over again even though the determination may even be demonstratedly wrong. When the proceedings have attained finality, parties are bound by the judgment and are estopped from questioning it. They cannot litigate again on the same cause of action nor can they litigate any issue which was necessary for decision in the earlier litigation. These two aspects are "cause of action estoppels" and "issue estoppels". These two terms of common law origin. Again, once an issue has been finally determined, parties cannot subsequently cannot advance arguments or adduce further evidence directed to showing that the issue was wrongly determined. Their only remedy is to approach the higher forum if available. The determination of the issue between the parties gives rise to issue estoppels. It operates in any subsequent proceedings in between parties in which the same issue arises. It is further also settled law by the Hon'ble Supreme Court that there is absolute bar for issue estoppels and when identical issues arises in different proceedings, in which event, the latter proceedings shall

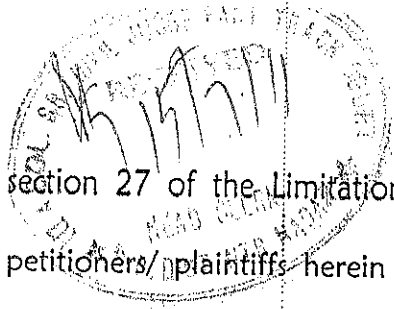
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be dealt with similarly as was done in the previous proceedings and the Courts are bound to decide the issue as decided earlier.

4. It is further respectfully submitted that based upon the decision of the Hon'ble Supreme Court in AIR 1962 SC 1893, a Division Bench of the Hon'ble High Court of Andhra Pradesh, as reported in AIR 1967 AP 219, held "under Article 215, every High Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself. Under Article 226, it has a plenary power to issue orders or writs for the enforcement of the fundamental rights and for any other purpose to any person or authority, including in appropriate cases any Government within its territorial jurisdiction. Under Article 227, it has jurisdiction over all Courts and tribunals throughout the territories in relation to which it exercises jurisdiction. It would be anomalous to suggest that a tribunal over which the High Court has superintendence can ignore the law declared by that Court and start proceedings in direct violation of it. If a tribunal can do so, all the subordinate courts can equally do so, for there is no specific provision, just like in the case of Supreme Court, making the law declared by the High Court binding on subordinate courts. It is implicit in the power of supervision conferred on a superior tribunal that all the tribunals subject to its supervision should conform to the law laid down by it. Such obedience would also be conducive to their smooth working, otherwise there would be confusion in the administration of law and respect for law would irretrievably suffer. As such, held that the law declared by the highest court of the state is binding on authorities or tribunals under its superintendence, and that they cannot ignore it either in initiating a proceeding or deciding on the rights involved in such proceedings. It was further held that unless subordinate courts do obey and pay regard to the directions of the High Court, there would be confusion in the administration of law and respect for law would irretrievably suffer. As such the order passed by the Division Bench of Hon'ble High Court in W.P.No. 9586/10 is very much binding on the respondents / defendants and also this Hon'ble Court.

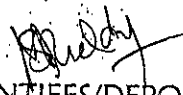
5: It is respectfully submitted that the Hon'ble High Court already held that the petitioners/plaintiffs herein are in possession for more than statutory period over the suit lands, as such the rights of the Government over suit lands was extinguished under



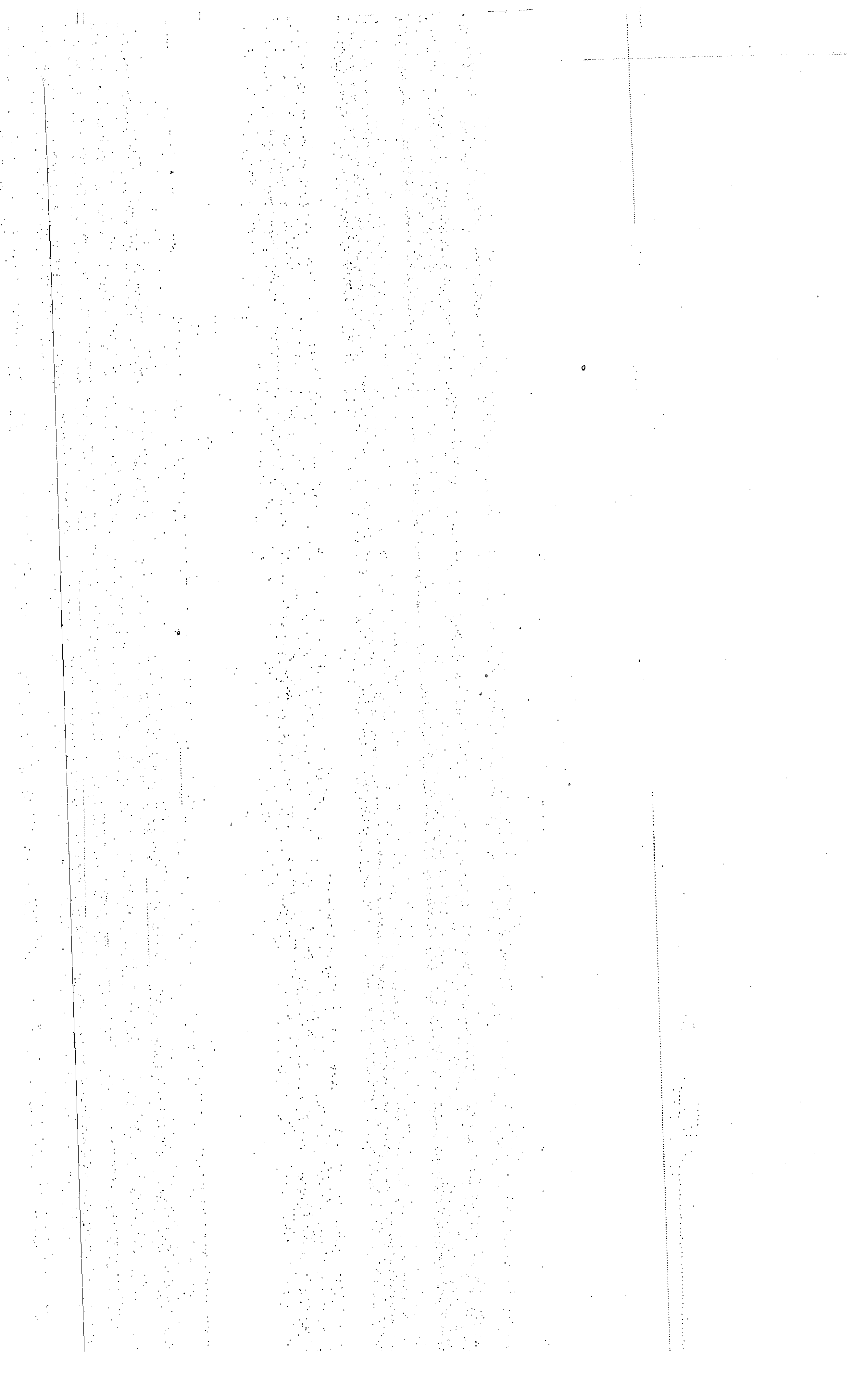


section 27 of the Limitation Act. Hence the Hon'ble High Court further held that petitioners/plaintiffs herein cannot be evicted without following due process of law namely, by filing a civil suit for declaration and establishing title by the respondents/defendants herein. And the same have become final as no appeal is preferred by the respondents/ defendants herein. In view of the categorical findings of the Hon'ble High Court the respondents/ defendants have no right to evict or interfere with possession of petitioners/plaintiffs over suit lands until unless they establish their title in a properly constituted suit. It is respectfully submitted that in view of the categorical finds and binding nature of the finality of Division bench of Hon'ble High Court and final adjudication of subject matter of the present litigation, any party or privy thereto, and in all cases of judgment in *rem*, the respondents/defendants herein or any person thereto, in view of the provisions of section 40, 41, 42 and 44 of the Indian Evidence Act in subsequent proceedings before the courts would be estopped from disputing or questioning the previous decision on merit. The respondents are also estopped from raising the same issue or disputing the same issue as same is barred under section 115 of Evidence Act as the earlier adjudication acts as estoppels by record. As such the present suit is liable to be decreed. It is further respectfully submitted that this Hon'ble Court already decreed the connected matter in O.S. No. 1117/2007. It is further respectfully submitted that the orders of the Hon'ble High Court was passed on 24-09-2010 was received by the plaintiffs on 4-7-2011. As such the plaintiffs are unable to produce the same before this Hon'ble Court on earlier occasion. Hence it is prayed for this Hon'ble Court to receive the orders of the Division Bench of Hon'ble High Court passed in W.P.No. 9586/2010 dated 24-09-2010, as evidence with consent of parties and mark the same as exhibit in the interest of justice. Hence the memo.

In view of the reasons stated above, it is prayed for this Hon'ble Court may be pleased to receive the orders of the Division Bench of Hon'ble High Court passed in W.P.No. 9586/2010 dated 24-09-2010, as evidence with consent of parties and mark the same as exhibit in the interest of justice. Hence the memo.


PLAINTIFFS/DEPONENT

Date: 15th JULY, 2011,
Place: Hyderabad.





IN THE COURT OF III ADDITIONAL
SENIOR CIVIL JUDGE:
R.R.DISTRICT:
AT L.B. NAGAR.

O.S.NO. 197 OF 2003

Between:

Smt. S. Chilakamma & Others
represented by her agent/ attorney
holder Dr. M. Sharath Chandra Reddy

... PLAINTIFFS

And

District Collector, Ranga Reddy
District and others

..DEFENDANTS

MEMO FILED BY THE PALITIFFS

Received copy
for Defendant
FILED ON:

15-07-2011

FILED BY:

Dr M.Sharath Chandra Reddy

Agent/ attorney of Plaintiffs

ADDRESS:

FLAT NO. 301,
MARUTHI ENCLAVE,
MARUTHI NAGAR,
HYDERABAD

IN THE COURT OF THE HON'BLE III ADDL. SENIOR CIVIL JUDGE:
R.R. DISTRICT: AT L.B. NAGAR

I.A. NO. 134 OF 2011
in
O.S. NO. 197 OF 2003

BETWEEN:

Smt. S. Chilakamma & others,
rep. by their Agent/Attorney Holder
Dr. M. Sharath Chandra Reddy Petitioner/Plaintiff

A N D

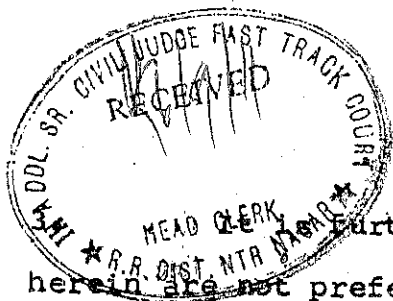
The District Collector,
R.R. District & others Respondents/Defendants

A F F I D A V I T

I, Dr. M. Sharath Chandra Reddy, S/o late M. Ram Reddy, Aged 39 years, Occ: Asst. Civil Surgeon, R/o Flat No. 301, Maruthi Enclave, Maruthinagar, Hyderabad, do hereby solemnly affirm and state on oath as follows :-

1. I am the Deponent herein and G.P.A. Holder to the Petitioners, as such I am well acquainted with the facts of this Affidavit deposed hereunder. I am deposing this Affidavit on behalf of the Petitioners.

2. It is respectfully submitted that the learned Counsel for the Defendants sought time for further evidence. Subsequently closed the evidence of Defendants without further evidence or documents, and the suit is posted for arguments. Mean while the Petitioners herein received orders from the Hon'ble High Court passed in W.P.No. 9586/2010, wherein the Division Bench of Hon'ble High Court deciding the issue involved in the present suit, categorically held that " Therefore this Court Finds, in view of the above Civil Suits filed and finding recorded by the Land Grabbing Court, it is established that the Respondents No. 6 to 9 are in possession of the subject land for more than statutory period and they cannot be evicted without following due process of law, namely filing a Civil Suit for Declaration and establishing title" vide its orders dated 14/09/2010.



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Further submitted that the Respondents herein are not preferred any Appeal on the said Division Bench orders, as the Respondents ~~at~~ herein are also party and ~~XXXXXXXXXXXXXXXX~~ the Plaintiff herein are also Respondent No.6 to 9 in the said Writ Petition, as such the orders passed by the Division Bench on 14/09/2010 deciding the issue have become final in favour of the Petitioners herein. In view of the categorical findings of the Hon'ble High Court, the Petitioners ~~are~~ are in possession of the Suit lands for more than statutory period and also the Petitioners cannot be evicted by the Respondents herein without establishing the Respondents title over the suit lands in a properly constituted Suit.

4. It is further respectfully submitted that, it is well settled law by the Hon'ble Supreme Court that the principles of issues of estoppels is based on Public Policy and justice, when the proceedings have attained finality, parties are bound by the Judgement and are estoppels and they cannot litigate any issue which was necessary for decision in the earlier litigation, as the same acts as "ISSUE ESTOPPELS" Once an issue has been finally determined, parties cannot subsequently cannot advance arguments or adduce further evidence directed to showing that the issue was wrongly determined. Their only remedy is to approach the Higher Forum, if available. The determination of the issue between the parties gives rise to issue estoppels. It operates in any subsequent proceedings in between parties in which the same issue arises. It is further also settled law by the Hon'ble Supreme Court that there is absolute bar for issue estoppels and when identical issues arises in different

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proceedings, in which event, the latter proceedings shall be dealt with similarly as was done in the previous proceedings and the Courts are bound to decide the issue as decided earlier.

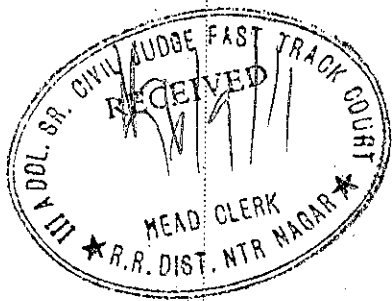
5. It is further respectfully submitted that, in view of the above stated facts, particularly in view of the orders of Division Bench of Hon'ble High Court passed in W.P.No.9586/2010, dt. 14/09/2010, it is just and necessary to reopen the above case, while considering the above orders of the Hon'ble High Court, for proper and better disposal of the present case, for the purpose of avoiding future conflicting and contrary orders, ~~which exist~~ and also to avoid confusion in the administration of Justice.

Therefore, it is prayed that this Hon'ble Court be pleased to reopen the above case to consider the orders of Hon'ble Division Bench of High Court, passed in W.P. No.9586/2010, dt.14/09/2010, and to pass appropriate order or orders, which this Hon'ble Court deems fit and proper, in the interest of Justice.

Sworn and signed before me on
06/09/2011 at L.B.Nagar


DEPONENT


ADV. BY D



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IN THE COURT OF THE HON'BLE III ADDL. SENIOR CIVIL JUDGE:
R.R. DISTRICT: AT L.B. NAGAR

I.A. NO. OF 2011

in

O.S. NO. 197 OF 2003

BETWEEN:

1. Smt. S. Chilakamma, W/o late S. Sathi Reddy @ Sathaiyah, Aged about 80 years, Occ: Agriculture,
2. Smt. Yadamma, W/o P. Malla Reddy, 58 years, Housewife,
3. S. Angi Reddy S/o late S. Sathi Reddy, 56 years, Agril.,
4. Smt. K. Balamani, W/o K. Gopal Reddy, 56 years, Housewife,
5. S. Madhusudhan Reddy S/o late Sathi Reddy, 45 years, Agril.,
6. Dhanipal Reddy, S/o late Sathi Reddy, 41 yrs., Agril.,
7. S. Srinivas Reddy S/o late Sathi Reddy, 38 yrs., Agril.,

all R/o H.No. 1-9-184, Kushaiguda, R.R. District.

rep. by their G.P.A. Holder Dr. M. Sharath
Chandra Reddy S/o late M. Ram Reddy, 39 years,
R/o Maruthinagar, Hyderabad.

....Petitioners/Plaintiffs

A N D

1. The District Collector, R.R. District,
Khairtabad, Hyd.
2. The Revenue Divisional Officer, East Division,
R.R. District, Goshamahal, Hyd.
3. The Mandal Revenue Officer/Thasildhar,
Keesara Mandal, R.R. District.
4. The Commissioner, Kapra Municipality,
ECIL Cross Roads, Keesara, R.R. Dist.

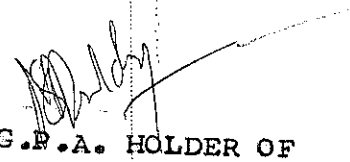
....Respondents/Defendants

PETITION FILED UNDER SECTION 151 C.P.C.
~~-X-~~

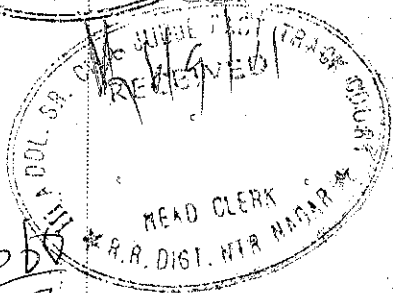
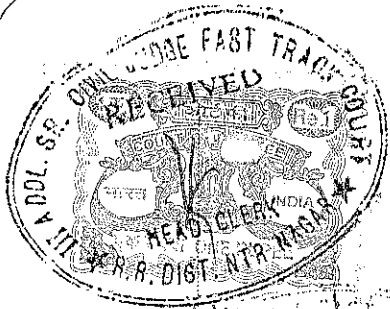
For the reasons mentioned in the accompanying
Affidavit, it is prayed that this Hon'ble Court be pleased to
reopen the above case to consider the orders of Hon'ble Division
Bench of High Court ~~is~~ passed in W.P. No. 9586/2010, dt. 14/09/2010
in the present suit,
and pass appropriate order or orders, which this Hon'ble Court
deems fit and proper, in the interest of Justice.

L.B. NAGAR

06/09/2011


G.P.A. HOLDER OF
PETITIONERS

D.A. No. 134/11



IN THE COURT OF THE HON'BLE III ADDL. SENIOR CIVIL JUDGE: R.R. DIST: LB NAGAR

I.A. NO. 134 OF 2011

in

O.S. NO. 197 OF 2003

BETWEEN:

SMT. S. CHILAKAMMA & OTHERS PETRS | PLAINTIFFS

A N D

THE DISTRICT COLLECTOR, RR DIST & OTHERS RES | DEFENDANTS

This is petition filed U/s 151 CrP by Dr. Sharath Chandra Reddy G.P.A. Holder to petitioner/plaintiff praying this Hon'ble Court to reopen the case

1) Suit Reserved for Judgment on 19/8/11

2) Notice given to other side for ~~reply~~ ~~contn~~

1-0
12/9/11 (Hq) 12.9.11

19/9/11 (Hq) 19.9.11

26/9/11 (Hq) 26.9.11

10/10/11 10.10.11

17/10/11 17.10.11

PETITION FILED U/SEC. 151 C.P.C.
-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-

Received copy
subject to filing
contn
Rec'd
6/9/11
for reopening

Filed on :: 06/09/2011

Filed by :

M/s Dr. M. SHARATH CHANDRA REDDY
G.P.A. Holder to Petitioners/
Plaintiffs

Party-In-Person

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TEN

PRESENT
THE HON'BLE SRI JUSTICE A.GOPAL REDDY
And
THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION NO : 9586 of 2010

Between:

K. Jagan Reddy, S/o K.Malla Reddy,
Aged about 32 years, Occ: President of N.N. Colony Association,
R/o.H.No.1-9-382/61; N.N. Colony,
Kushaiguda, R.R.District.

...Petitioner

And

1. The Government of Andhra Pradesh represented
by its Revenue Secretary, Secretariat, Hyderabad.

2. The District Collector, Ranga Reddy District,
Sneha Silver Jubilee Bhavan, Lakdikapul,
Khairatabad, Hyderabad, A.P.

3. Sub-Registrar, Registration Office,
Kapra, R.R.District.

4. The Deputy Commissioner,
Kapra Circle, G.H.M.C., Hyderabad.

5. The Mandal Revenue Officer,
Keesara Mandal, R.R.District.

6. S.Anji Reddy, S/o.late Satti Reddy,
Aged about 50 years,

7. S.Madhusudan Reddy, S/o.late Satti Reddy,
Aged about 40 years,

8. S.Dhanpal Reddy, S/o.late Satti Reddy,
Aged about 37 years,

9. S.Srinivas Reddy, S/o.late Satti Reddy,
Aged about 33 years,

All are Residents of H.No.9-184,
Kushaiguda, R.R.District.

...Respondents

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S/R

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more specifically one in the nature of Writ of Mandamus declaring the action of the first respondent in not evicting the respondents 6 to 9 from the land in Sy.No.199 to an extent of Ac.12.00, H/o. Kapra, Kushaiguda Village, Keesara Mandal, R.R. District pursuant to the letter in Lr.L.C.3/609/03, dated 29.1.2003 on the ground of prescriptive title of respondent 6 to 9 over subject lands as arbitrary and illegal and consequently direct the first respondent to evict the respondents 6 to 9 from the land in Sy.No.199 to an extent of Ac.12.00, H/o. Kapra, Kushaiguda Village, Keesara Mandal, R.R. District and take necessary steps to construct the proposed stadium thereon as proposed by the Government.

Counsel for the Petitioner: SRI. N.MUKUNDA REDDY

Counsel for the Respondents Nos.1 to 3 & 5: GP FOR REVENUE

**Counsel for the Respondent No.4: SRI.R.RAMACHANDRA REDDY,
SC FOR MCH**

Counsel for the Respondent NOS.6 to 9: NONE

The Court made the following ORDER:

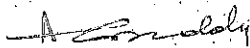
HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE RAJA ELANGO

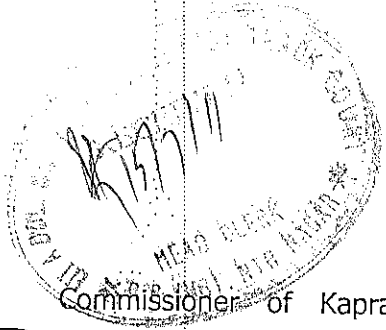
W.P.No.9586 of 2010

ORDER: (Per Hon'ble Sri Justice A.Gopal Reddy)

Petitioner claiming to be the President of N.N.Colony Association, filed the present writ petition in the form of public interest contending that the respondents, who are in possession of the land in Sy.No.199 to an extent of Ac.12.00, H/o. Kapra, Kushaiguda Village, Keesara Mandal, R.R.District since 1946, should be evicted from the said land as the same was proposed for construction of a stadium. The second respondent issued a letter in Lr.L.C.3/609/03, dated 29.1.2003 requesting the 5th respondent to handover possession of the said land to the fourth respondent herein for the purpose of construction of a stadium. In response, the 5th respondent issued a memo on 4.2.2003 to Mandal Surveyor to survey and handover the said land to the 4th respondent, but so far, the possession of the land has not been handed over to the 4th respondent. Therefore, necessary direction should be issued to the official respondents to evict the respondents 6 to 9 from the said land by implementing the orders, dated 29.1.2003 and 4.2.2003.

The learned Government Pleader for Revenue representing the respondents 1 to 3 and 5 contended that the respondents 6 to 9 along with other joint family members filed various suits against the District Collector, R.R.District; Revenue Divisional Officer, East Division, R.R.District; Mandal Revenue Officer, Keesara Mandal; and the





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Commissioner of Kapra Municipality contending that they are in possession of the land for more than statutory period acquiring title for various extents of land in Sy.No.199/1 of Kapra Village, Keesara Revenue Mandal, R.R.District. Further, the respondents 6 to 9 along with others filed O.S.No.197 of 2003 before the Senior Civil Judge, R.R.District against the District Collector, R.R.District; Revenue Divisional Officer, East Division, R.R.District; Mandal Revenue Officer, Keesara Mandal; and the Commissioner of Kapra Municipality contending that they are entitled to the land and are in possession of the subject-land in view of the long standing possession and are in possession of various extents of land in Sy.No.199/1 of Kapra Village. Earlier the defendants in the said suit filed L.G.C.No.71 of 1989 against the plaintiffs therein and some others in respect of the suit schedule property, which is in their possession, alleging that they have grabbed the land. The said L.G.C. has been dismissed holding that the plaintiffs in the above suit are in long standing possession and are entitled to the land and they are not land grabbers and the Special Court directed that until their occupation is terminated as per law, their occupation is clearly permissible and cannot be termed as unlawful and that they cannot be treated as land grabbers. Further in O.S.No.1117 of 2009 filed by S.Anji Reddy (6th respondent herein), the Principal Senior Civil Judge, R.R.District at L.B.Nagar allowed I.A.No.1256 of 2009 granting interim injunction restraining the State of Andhra Pradesh and 5 others from interfering with his possession. Similar orders were also passed in I.A.No.398 of 2003 in O.S.No.197 of 2003 directing to maintain status quo with regard to the possession. Therefore, this Court

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finds, in view of the above civil suits filed and finding recorded by the Land Grabbing Court, it is established that the respondents 6 to 9 are in possession of the subject-land for more than statutory period and they cannot be evicted without following due process of law namely, by filing a civil suit for declaration and establishing title.

In view of the above, the present writ petition filed in the form of public interest litigation cannot be entertained and no orders can be passed for eviction of the respondents *de hors* the orders obtained by the respondents 6 to 9 in the competent Courts.

The writ petition is accordingly dismissed. No order as to costs.


SD/-S. SUBBA RAO
ASSISTANT REGISTRAR

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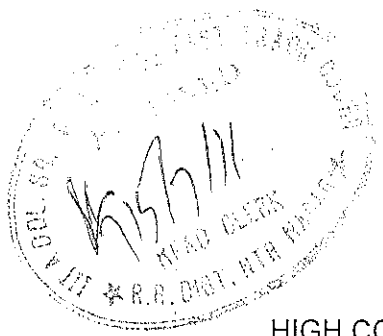

SECTION OFFICER

To

1. The Revenue Secretary, Government of Andhra Pradesh, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District Sneha Silver Jubilee Bhavan, Lakdikapool, Khairtabad, Hyderabad, A.P.
3. The Sub-Registrar, Registration Office, Kapra, R.R. District.
4. The Deputy Commissioner, Kapra Circle, G.H.M.C., Hyderabad.
5. The Mandal Revenue Officer, Keesara Mandal, R.R. District.
6. Two CCs to G.P. for Revenue, High Court of A.P. Hyderabad (OUT)
7. Two CD Copies
8. One CC to Sri.N.mukund Reddy, Advocate(OPUC)
9. One CC to Sri.R.Ramachandras Reddy, Advocate(OPUC)


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KJ.



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HIGH COURT

Dated: 14/09/2010

ORDER

WP NO.9586/2010

Dismissing the WP without costs.

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Form No. 7. List of Documents (Rule 9, 10 and 62)

(Under Order VII R 14 or Order XIII R.I. of the Code of Civil Procedure)

In the Court of the

III Addl. Sr. Civil Judge 5778

AT BANARAS

No. 197 of 2003

Between :

S. Chilkamp & others

Plaintiff
Petitioner

Appellant
Complainant

AND

The District Collector & others

Defendent
Respondent

Accused

List of Document Filed by

Plaintiff

S. No.	Date if any of Document in Vernacular and in English	Parties to the Document	Description of the Document
①	24.9.2010	2	original order copy As WP No 9586/2010 passed by the Hon'ble Jbju court of AP.

Dated this the 18th day of Jul 2011

[Signature]
ADVOCATE FOR



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In the Court of the J. Addl.

St. Civil Judge, A.S.

AT CA. Sec. 1

OS No. 197 of 2003

Between

Smt. S. Chaitanya Devi
CA

Plaintiff
Petitioner
Appellant
Complainant

AND

Smt. A. Lakshmi Devi

Defendent
Respondent
Accused

LIST OF DOCUMENTS

Received copy
files

Filed on:

15/7/2011 15/7/11

Filed by:

M. S. Chaitanya Devi
CA
Smt. A. Lakshmi Devi

Address for Service:

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TEN

PRESENT
THE HON'BLE SRI JUSTICE A.GOPAL REDDY
And
THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION NO : 9586 of 2010

Between:

K. Jagan Reddy, S/o K.Malla Reddy,
Aged about 32 years, Occ: President of N.N. Colony Association,
R/o.H.No.1-9-382/61, N.N. Colony,
Kushaiguda, R.R.District.

...Petitioner

And

1. The Government of Andhra Pradesh represented
by its Revenue Secretary, Secretariat, Hyderabad.

2. The District Collector, Ranga Reddy District,
Sneha Silver Jubilee Bhavan, Lakdikapul,
Khairatabad, Hyderabad, A.P.

3. Sub-Registrar, Registration Office,
Kapra, R.R.District.

4. The Deputy Commissioner,
Kapra Circle, G.H.M.C., Hyderabad.

5. The Mandal Revenue Officer,
Keesara Mandal, R.R.District.

6. S.Anji Reddy, S/o.late Satti Reddy,
Aged about 50 years,

7. S.Madhusudan Reddy, S/o.late Satti Reddy,
Aged about 40 years,

8. S.Dhanpal Reddy, S/o.late Satti Reddy,
Aged about 37 years,

9. S.Srinivas Reddy, S/o.late Satti Reddy,
Aged about 33 years,

All are Residents of H.No.9-184,
Kushaiguda, R.R.District.

...Respondents

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Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more specifically one in the nature of Writ of Mandamus declaring the action of the first respondent in not evicting the respondents 6 to 9 from the land in Sy.No.199 to an extent of Ac.12.00, H/o. Kapra, Kushaiguda Village, Keesara Mandal, R.R. District pursuant to the letter in Lr.L.C.3/609/03, dated 29.1.2003 on the ground of prescriptive title of respondent 6 to 9 over subject lands as arbitrary and illegal and consequently direct the first respondent to evict the respondents 6 to 9 from the land in Sy.No.199 to an extent of Ac.12.00, H/o. Kapra, Kushaiguda Village, Keesara Mandal, R.R. District and take necessary steps to construct the proposed stadium thereon as proposed by the Government.

Counsel for the Petitioner: SRI. N.MUKUNDA REDDY

Counsel for the Respondents Nos.1 to 3 & 5: GP FOR REVENUE

**Counsel for the Respondent No.4: SRI.R.RAMACHANDRA REDDY,
SC FOR MCH**

Counsel for the Respondent NOS.6 to 9: NONE

The Court made the following ORDER:

HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE RAJA ELANGO

W.P.No.9586 of 2010

ORDER: (Per Hon'ble Sri Justice A.Gopal Reddy)

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The learned Government Pleader for Revenue representing the respondents 1 to 3 and 5 contended that the respondents 6 to 9 along with other joint family members filed various suits against the District Collector, R.R.District; Revenue Divisional Officer, East Division, R.R.District; Mandal Revenue Officer, Keesara Mandal; and the





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Commissioner of Kapra Municipality contending that they are in possession of the land for more than statutory period acquiring title for various extents of land in Sy.No.199/1 of Kapra Village, Keesara Revenue Mandal, R.R.District. Further, the respondents 6 to 9 along with others filed O.S.No.197 of 2003 before the Senior Civil Judge, R.R.District against the District Collector, R.R.District; Revenue Divisional Officer, East Division, R.R.District; Mandal Revenue Officer, Keesara Mandal; and the Commissioner of Kapra Municipality contending that they are entitled to the land and are in possession of the subject-land in view of the long standing possession and are in possession of various extents of land in Sy.No.199/1 of Kapra Village. Earlier the defendants in the said suit filed L.G.C.No.71 of 1989 against the plaintiffs therein and some others in respect of the suit schedule property, which is in their possession, alleging that they have grabbed the land. The said L.G.C. has been dismissed holding that the plaintiffs in the above suit are in long standing possession and are entitled to the land and they are not land grabbers and the Special Court directed that until their occupation is terminated as per law, their occupation is clearly permissible and cannot be termed as unlawful and that they cannot be treated as land grabbers. Further in O.S.No.1117 of 2009 filed by S.Anji Reddy (6th respondent herein), the Principal Senior Civil Judge, R.R.District at L.B.Nagar allowed I.A.No.1256 of 2009 granting interim injunction restraining the State of Andhra Pradesh and 5 others from interfering with his possession. Similar orders were also passed in I.A.No.398 of 2003 in O.S.No.197 of 2003 directing to maintain status quo with regard to the possession. Therefore, this Court

A. Anji Reddy

finds, in view of the above civil suits filed and finding recorded by the Land Grabbing Court, it is established that the respondents 6 to 9 are in possession of the subject-land for more than statutory period and they cannot be evicted without following due process of law namely, by filing a civil suit for declaration and establishing title:

In view of the above, the present writ petition filed in the form of public interest litigation cannot be entertained and no orders can be passed for eviction of the respondents *de hors* the orders obtained by the respondents 6 to 9 in the competent Courts.

The writ petition is accordingly dismissed. No order as to costs.

SD/-S. SUBBA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

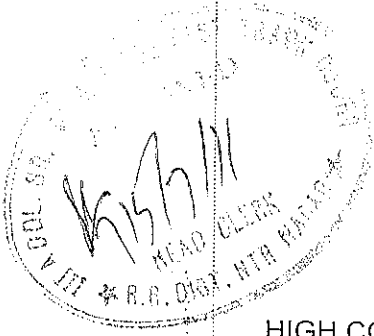

SECTION OFFICER

To

1. The Revenue Secretary, Government of Andhra Pradesh, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District Sneha Silver Jubilee Bhavan, Lakdikapool, Khairtabad, Hyderabad, A.P.
3. The Sub-Registrar, Registration Office, Kapra, R.R. District.
4. The Deputy Commissioner, Kapra Circle, G.H.M.C., Hyderabad.
5. The Mandal Revenue Officer, Keesara Mandal, R.R. District.
6. Two CCs to G.P. for Revenue, High Court of A.P. Hyderabad (OUT)
7. Two CD Copies
8. One CC to Sri.N.mukund Reddy, Advocate(OPUC)
9. One CC to Sri.R.Ramachandras Reddy, Advocate(OPUC)

Kj.

21/9



HIGH COURT

2/15
1/2

Dated: 14/09/2010

ORDER

WP NO.9586/2010

Dismissing the WP without costs.

11
2/19

Form No. 7 List of Documents (Rule 9, 10 and 62)

(Under Order VII R 14 or Order XIII R.I. of the Code of Civil Procedure)

In the Court of the III Addl. Sr. Civil Judge 5778

AT Basel

No. 197 of 2003

Between :

S. Chikannaiah & others

Plaintiff
Petitioner

Appellant
Complainant

AND

The District Collector & others

Defendent
Respondent

Accused

List of Document Filed by Plaintiff

S. No.	Date if any of Document in Vernacular and in English	Parties to the Document	Description of the Document
①	24.9.2010	2	original order/copy of WP No 9586/2010 filed by the Hon'ble High Court of AP.

Dated this the 18th day of July 2011

[Signature]
ADVOCATE FOR



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9

In the Court of the Judge

City Civil Judge

AT Hyderabad

OS No. 197 of 2003

Between:

Smt. S. Chittampudi Plaintiff
Petitioner
Appellant
Complainant

AND

Smt. S. Chittampudi Defendant
Respondent
Accused

LIST OF DOCUMENTS

Received copy
books

Filed on: 15/7/04 15/7/11

Filed by: Smt. S. Chittampudi
Self

P. S. S. S.

Address for Service:

IN THE COURT OF THE HON'BLE III ADDL. SENIOR CIVIL JUDGE:
R.R. DISTRICT: AT L.B. NAGAR

I.A. NO. 134 OF 2011
in
O.S. NO. 197 OF 2003

BETWEEN:

Smt. S. Chilakamma & others,
rep. by their Agent/Attorney Holder
Dr. M. Sharath Chandra Reddy Petitioner/Plaintiff

A N D

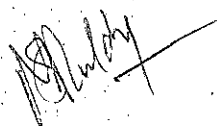
The District Collector,
R.R. District & others Respondents/Defendants

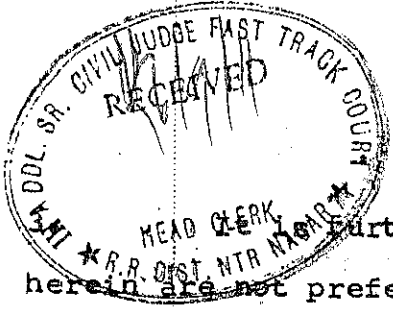
A F F I D A V I T

I, Dr. M. Sharath Chandra Reddy, S/o late M. Ram Reddy, Aged 39 years, Occ: Asst. Civil Surgeon, R/o Flat No. 301, Maruthi Enclave, Maruthinagar, Hyderabad, do hereby solemnly affirm and state on oath as follows :-

1. I am the Deponent herein and G.P.A. Holder to the Petitioners, as such I am well acquainted with the facts of this Affidavit deposed hereunder. I am deposing this Affidavit on behalf of the Petitioners.

2. It is respectfully submitted that the learned Counsel for the Defendants sought time for further evidence. Subsequently closed the evidence of Defendants without further evidence or documents, and the suit is posted for arguments. Mean while the Petitioners herein received orders from the Hon'ble High Court passed in W.P.No.9586/2010, wherein the Division Bench of Hon'ble High Court deciding the issue involved in the present Suit, categorically held that " Therefore this Court Finds, in view of the above Civil Suits filed and finding recorded by the Land Grabbing Court, it is established that the Respondents No.6 to 9 are in possession of the subject land for more than statutory period and they cannot be evicted without following due process of law, namely filing a Civil Suit for Declaration and establishing title" vide its orders dated 14/09/2010.





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Further submitted that the Respondents herein are not preferred any Appeal on the said Division Bench orders, as the Respondents ~~xx~~ herein are also party and ~~xxxxxx Respondents No. 8 xx~~ in the Plaintiff herein are also Respondent No. 6 to 9 in the said Writ Petition, as such the orders passed by the Division Bench on 14/09/2010 deciding the issue have become final in favour of the Petitioners herein. In view of the categorical findings of the Hon'ble High Court, the Petitioners ~~xx~~ are in possession of the Suit lands for more than statutory period and also the Petitioners cannot be evicted by the Respondents herein without establishing the Respondents title over the Suit lands in a properly constituted suit.

4. It is further respectfully submitted that, it is well settled law by the Hon'ble Supreme Court that the principles of issues of estoppels is based on Public Policy and justice, when the proceedings have attained finality, parties are bound by the Judgement and are estoppels and they cannot litigate any issue which was necessary for decision in the earlier litigation, as the same acts as "ISSUE ESTOPPELS" Once an issue has been finally determined, parties cannot subsequently cannot advance arguments or adduce further evidence directed to showing that the issue was wrongly determined. Their only remedy is to approach the Higher Forum, if available. The determination of the issue between the parties gives rise to issue estoppels. It operates in any subsequent proceedings in between parties in which the same issue arises. It is further also settled law by the Hon'ble Supreme Court that there is absolute bar for issue estoppels and when identical issues arises in different

proceedings, in which event, the latter proceedings shall be dealt with similarly as was done in the previous proceedings and the Courts are bound to decide the issue as decided earlier.

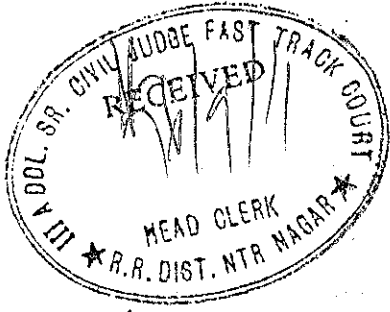
5. It is further respectfully submitted that, in view of the above stated facts, particularly in view of the orders of Division Bench of Hon'ble High Court passed in W.P.No.9586/2010, dt. 14/09/2010, it is just and necessary to reopen the above case, while considering the above orders of the Hon'ble High Court, for proper and better disposal of the present case, for the purpose of avoiding future conflicting and contrary orders, ~~which are existing~~ and also to avoid confusion in the administration of Justice.

Therefore, it is prayed that this Hon'ble Court be pleased to reopen the above case to consider the orders of Hon'ble Division Bench of High Court passed in W.P. No.9586/2010, dt.14/09/2010, and to pass appropriate order or orders, which this Hon'ble Court deems fit and proper, in the interest of Justice.

Sworn and signed before me on
06/09/2011 at L.B.Nagar


DEPONENT


ADV. & D.



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IN THE COURT OF THE HON'BLE III ADDL. SENIOR CIVIL JUDGE:
R.R. DISTRICT: AT L.B. NAGAR

I.A. NO. OF 2011

in

O.S. NO. 197 OF 2003

BETWEEN:

1. Smt. S. Chilakamma, W/o late S. Sathi Reddy @ Sathaiah, Aged about 80 years, Occ: Agriculture,
 2. Smt. Yadamma, W/o P. Malla Reddy, 58 years, Housewife,
 3. S. Angi Reddy S/o late S. Sathi Reddy, 56 years, Agril.,
 4. Smt. K. Balamani, W/o K. Gopal Reddy, 56 years, Housewife,
 5. S. Madhusudhan Reddy S/o late Sathi Reddy, 45 years, Agril.,
 6. Dhanipal Reddy, S/o late Sathi Reddy, 41 yrs., Agril.,
 7. S. Srinivas Reddy S/o late Sathi Reddy, 38 yrs., Agril.,
- all R/o H.No. 1-9-184, Kushaiguda, R.R. District.

rep. by their G.P.A. Holder Dr. M. Sharath
Chandra Reddy S/o late M. Ram Reddy, 39 years,
R/o Maruthinagar, Hyderabad.

....Petitioners/Plaintiffs

A N D

1. The District Collector, R.R. District,
Khairtabad, Hyd.
2. The Revenue Divisional Officer, East Division,
R.R. District, Goshamahal, Hyd.
3. The Mandal Revenue Officer/Thasildhar,
Keesara Mandal, R.R. District.
4. The Commissioner, Kapra Municipality,
ECIL Cross Roads, Keesara, R.R. Dist.

....Respondents/Defendants

PETITION FILED UNDER SECTION 151 C.P.C.
-X-

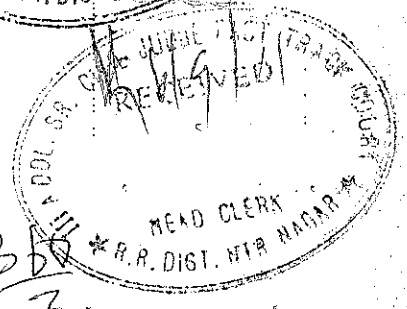
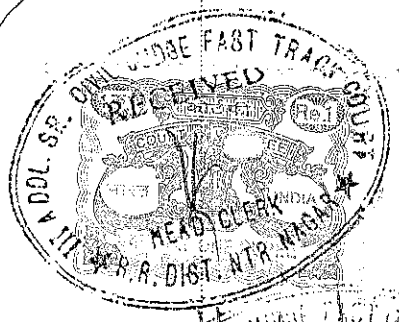
For the reasons mentioned in the accompanying
Affidavit, it is prayed that this Hon'ble Court be pleased to
reopen the above case to consider the orders of Hon'ble Division
Bench of High Court ~~in~~ passed in W.P.No.9586/2010, dt.14/09/2010
in the present suit,
and pass appropriate order or orders, which this Hon'ble Court
deems fit and proper, in the interest of Justice.

L.B.NAGAR

06/09/2011


G.P.A. HOLDER OF
PETITIONERS

IA No 134/11



360
3

IN THE COURT OF THE HONBLE III ADDL. SENIOR CIVIL JUDGE: R.R. DIST: LB NAGAR

I.A. NO. 134 OF 2011

in

O.S. NO. 197 OF 2003

BETWEEN:

SMT. S. CHILAKAMMA & OTHERS PETRS | PLAINTIFFS

A N D

THE DISTRICT COLLECTOR, RR DIST & OTHERS RES | DEFENDANTS

This is petition filed U/s 151 CrP by Dr. Sharath Chandra Reddy G.P.A. Holder to petitioners/plaintiff praying this Honble court to reopen the case.

1) Suit Reserved for Judgment on 19/8/11

2) Notice given to other side for filing counter.

12/9/11 (Hq) 12.9.11

19/9/11 (Hq) 19.9.11

26/9/11 (Hq) 26.9.11

10/10/11 10.10.11

17/10/11 17.10.11

PETITION FILED U/SEC. 151 C.P.C. -X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-

Received copy. Subject to filing counter 6/9/11 for Respondent

Filed on :: 06/09/2011

Filed by :

M/s Dr. M. SHARATH CHANDRA REDDY G.P.A. Holder to Petitioners/ Plaintiffs

Party-In-Person

IN THE COURT OF III ADDL. SENIOR CIVIL JUDGE: RANGA REDDY
DISTRICT. AT L.B. NAGAR.

JAN 134 ch 11
O.S. No. 197 of 2003.

Between:

Smt. S. Chilamma and others.

--- PLAINTIFFS.

VS.

The State of A.P. Rep. by District
Collector, R.R. District and others.

--- DEFENDANTS.

COUNTER AFFIDAVIT

I, S. Rajesh Kumar S/o S. Narsaiah, aged about 45 years, Occ:
Tahsildar, Keesara Mandal, R.R. District, do hereby solemnly affirm and
state on oath as follows:

- 1) That I am defendant No.3 in the above suit and as such I know the facts of the case. I am filing this affidavit on my behalf as well as on behalf of the defendants 1 and 2.
- 2) At the outset I submit that the plaintiffs have filed the above false and speculative petition against the respondents herein by gross misrepresentation. I submit that this Hon'ble Court was pleased to reserve the above suit for judgement. At this juncture, the plaintiffs have come up with present speculative application without any valid grounds and without filing the reopen petition. I submit the petitioners have not filed the petition in a proper procedure. Therefore, the petition ought to have been rejected at the time of filing of it by section. I submit that the present petition is not maintainable either in law or on facts without filing the reopen petition.
- 3) In reply to paras one to five of the affidavit, I submit that one K. Jagan Reddy has filed W.P.No.9586 of 2010 against the Government and the same was dismissed by Hon'ble High Court. Neither the said Jagan Reddy is party to the present suit nor any concern to the suit property. I submit that the suit filed by the plaintiffs in the year 2003 seeking the relief of perpetual injunction. In a suit for perpetual injunction, the plaintiffs have to establish their possession as on the date of filing of suit. In the instant case, the plaintiffs failed to establish their alleged

Rajesh

[Signature]
TAHSILDAR
KEESARA MANDAL
RANGA REDDY DIST.

possession as on the date of filing of suit or prior to it. Therefore, the question of granting injunction in favour of the plaintiffs does not arise. Infact, in the above suit, both the parties led their oral and documentary evidence and filed written arguments. The suit is reserved for judgment. I submit that at this stage, the plaintiffs have come up with a speculative application without any valid grounds only to drag on the matter under one pretext or the other. Therefore, the petition is liable to be dismissed. I submit that the other allegations made in the paras under reply are false and baseless, herfce denied.

Hence, I pray that the Hon'ble Court may be pleased to dismiss the petition under reply with costs.

Sworn and signed before me
On this 21st day of November, 2011.

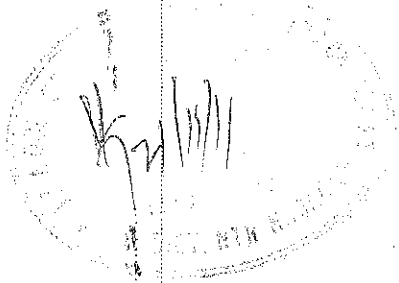

DEPONENT.

KESARA HANU
RANGA REDDY LEGAL


ADVOCATE.

(Raghavendra M)





THE COURT OF III ADDL. SENIOR
CIVIL JUDGE: RANGA REDDY,
DISTRICT. AT L.B. NAGAR.

JAN 20 11 4: 11 AM
O.S. No. 197 OF 2003.

Between:

Smt. S. Chilamma and others.

--- PLAINTIFFS.

VS.

The District Collector,
R.R. Dist., and others.

--- DEFENDANTS.

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/2

COUNTER AFFIDAVIT

Handwritten signature and initials.

Filed on: 21-11-2011

Filed by:

Y. Kondal Reddy.AP/3958/99
Government Pleader.

Counsel for the Defendants 1 to 3.

IN THE COURT OF III ADDITIONAL SENIOR CIVIL JUDGE:
R.R.DISTRICT:
AT L.B. NAGAR.

O.S.NO. 197 OF 2003

Between:

Smt. S. Chilakamma & Others represented by their agent/ attorney
holder Dr. M. Sharath Chandra Reddy

... PLAINTIFFS

And

District Collector, Ranga Reddy District and others

..DEFENDANTS

MEMO FILED BY THE PLAINTIFFS

MAY IT PLEASE YOUR LORDSHIP

1. It is respectfully submitted that the Division Bench of Hon'ble High Court in W.P.No. 9586 / 2010 filed against the petitioners/plaintiffs herein are the respondents 6 to 9 therein on the same issue and the same subject matter praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate direction more specifically one in the nature of Writ of Mandamus declaring the action of the District Collector i.e. first respondent therein in not evicting the petitioners/ plaintiffs herein and respondents 6 to 9 therein from the land in Sy.No.199 to an extent of Ac.12.00, H/o. Kapra, Kushaiguda Village, Keesara Mandal, R.R.District pursuant to the letter in Lr.L.C.3/609/03, dated 29.1.2003 on the ground of prescriptive title of petitioners/ plaintiffs herein and respondent 6 to 9 therein over subject lands as arbitrary and illegal and consequently direct the District Collector i.e first respondent therein to evict the petitioners/plaitiffs herein and respondents 6 to 9 therein from the land in Sy.No.199 to an extent of Ac.12.00, H/o. Kapra, Kushaiguda Village, Keesara Mandal, R.R.District and take necessary steps to construct the proposed stadium thereon as proposed by the Government and pass such other order or orders as this Hon'ble Court may deem fit and proper.
2. It is further respectfully submitted that the official respondents in the said writ petition are the respondents/defendants herein is filed a memo along with all the material papers relying now and sought a direction from the Division Bench of Hon'ble High Court to permit the respondents/defendants herein to evict the petitioners/plaintiffs herein from



the suit schedule prosperities i.e from land in sy.no. 199/1 to an extent of 12 Acres H/o. Kapra, Kushaiguda Village, Keesara Mandal, R.R.District, but the Hon'ble High Court after hearing the matter in its order dated 14-9-2010 categorically held that

M
2-4/1
JUDGE
MADRAS HIGH COURT
K. R. DIST. K. R. DIST.

"Therefore, this Court finds, in view of the above civil suits filed and finding recorded by the Land Grabbing Court, it is established that the respondents 6 to 9 are in possession of the subject land for more than statutory period and they cannot be evicted without following due process of law namely, by filing a civil suit for declaration and establishing title."

It is further respectfully submitted that the defendants herein are not preferred any appeal on the said Division Bench orders, as such the orders passed by the Division Bench on 14-9-2010 deciding the issue have become final in favour of petitioners/plaintiffs herein.

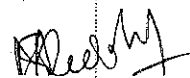
3. It is further respectfully submitted that it is settled law by the Hon'ble Supreme Court that the principles of estoppels and res judicata are based on public policy and justice. Doctrine of res judicata is often treated as a branch of the law of estoppels though these two doctrines differ in some essential particulars. Rule of res judicata prevents the parties to a judicial determination from litigating the same question over again even though the determination may even be demonstratedly wrong. When the proceedings have attained finality, parties are bound by the judgment and are estopped from questioning it. They cannot litigate again on the same cause of action nor can they litigate any issue which was necessary for decision in the earlier litigation. These two aspects are "cause of action estoppels" and "issue estoppels". These two terms of common law origin. Again, once an issue has been finally determined, parties cannot subsequently cannot advance arguments or adduce further evidence directed to showing that the issue was wrongly determined. Their only remedy is to approach the higher forum if available. The determination of the issue between the parties gives rise to issue estoppels. It operates in any subsequent proceedings in between parties in which the same issue arises. It is further also settled law by the Hon'ble Supreme Court that there is absolute bar for issue estoppels and when identical issues arises in different proceedings, in which event, the latter proceedings shall

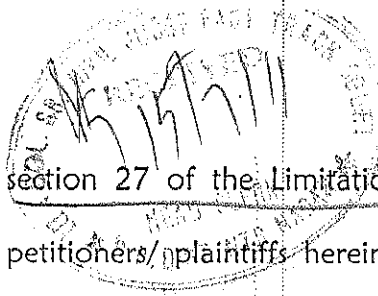
Reddy

be dealt with similarly as was done in the previous proceedings and the Courts are bound to decide the issue as decided earlier.

4. It is further respectfully submitted that based upon the decision of the Hon'ble Supreme Court in AIR 1962 SC 1893, a Division Bench of the Hon'ble High Court of Andhra Pradesh, as reported in AIR 1967 AP 219, held "under Article 215, every High Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself. Under Article 226, it has a plenary power to issue orders or writs for the enforcement of the fundamental rights and for any other purpose to any person or authority, including in appropriate cases any Government within its territorial jurisdiction. Under Article 227, it has jurisdiction over all Courts and tribunals throughout the territories in relation to which it exercises jurisdiction. It would be anomalous to suggest that a tribunal over which the High Court has superintendence can ignore the law declared by that Court and start proceedings in direct violation of it. If a tribunal can do so, all the subordinate courts can equally do so, for there is no specific provision, just like in the case of Supreme Court, making the law declared by the High Court binding on subordinate courts. It is implicit in the power of supervision conferred on a superior tribunal that all the tribunals subject to its supervision should conform to the law laid down by it. Such obedience would also be conducive to their smooth working, otherwise there would be confusion in the administration of law and respect for law would irretrievably suffer. As such, held that the law declared by the highest court of the state is binding on authorities or tribunals under its superintendence, and that they cannot ignore it either in initiating a proceeding or deciding on the rights involved in such proceedings. It was further held that unless subordinate courts do obey and pay regard to the directions of the High Court, there would be confusion in the administration of law and respect for law would irretrievably suffer. As such the order passed by the Division Bench of Hon'ble High Court in W.P.No. 9586/10 is very much binding on the respondents / defendants and also this Hon'ble Court.

5. It is respectfully submitted that the Hon'ble High Court already held that the petitioners/plaintiffs herein are in possession for more than statutory period over the suit lands, as such the rights of the Government over suit lands was extinguished under



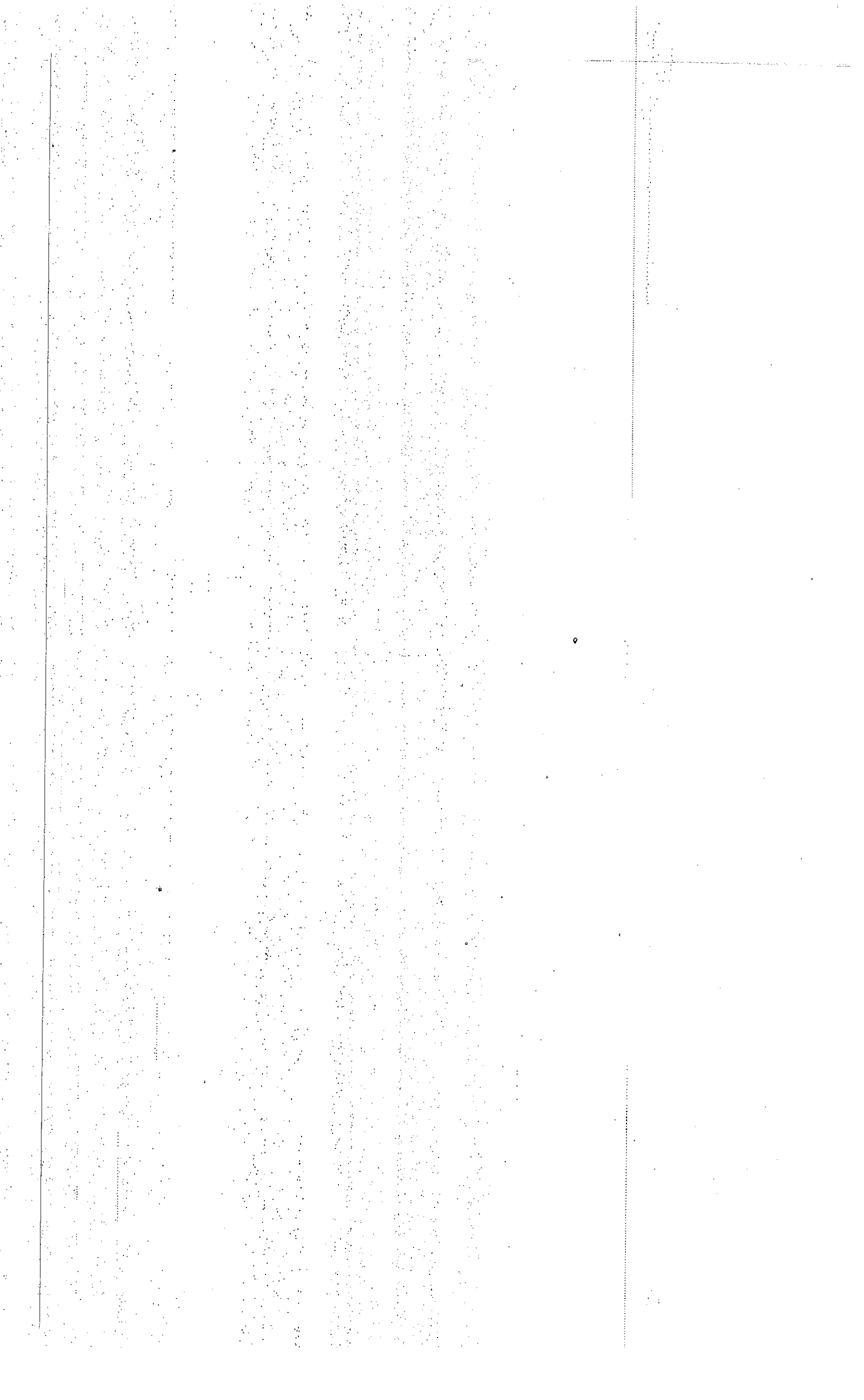


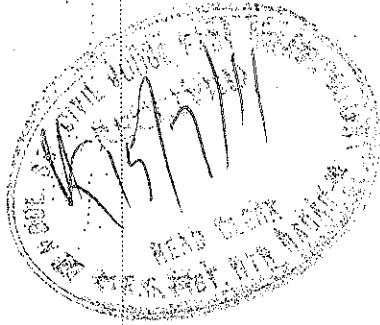
section 27 of the Limitation Act. Hence the Hon'ble High Court further held that petitioners/plaintiffs herein cannot be evicted without following due process of law namely, by filing a civil suit for declaration and establishing title by the respondents/defendants herein. And the same have become final as no appeal is preferred by the respondents/ defendants herein. In view of the categorical findings of the Hon'ble High Court the respondents/ defendants have no right to evict or interfere with possession of petitioners/plaintiffs over suit lands until unless they establish their title in a properly constituted suit. It is respectfully submitted that in view of the categorical finds and binding nature of the finality of Division bench of Hon'ble High Court and final adjudication of subject matter of the present litigation, any party or privy thereto; and in all cases of judgment in rem, the respondents/defendants herein or any person thereto, in view of the provisions of section 40, 41, 42 and 44 of the Indian Evidence Act in subsequent proceedings before the courts would be estopped from disputing or questioning the previous decision on merit. The respondents are also estopped from raising the same issue or disputing the same issue as same is barred under section 115 of Evidence Act as the earlier adjudication acts as estoppels by record. As such the present suit is liable to be decreed. It is further respectfully submitted that this Hon'ble Court already decreed the connected matter in O.S. No. 1117/2007. It is further respectfully submitted that the orders of the Hon'ble High Court was passed on 24-09-2010 was received by the plaintiffs on 4-7-2011: As such the plaintiffs are unable to produce the same before this Hon'ble Court on earlier occasion. Hence it is prayed for this Hon'ble Court to receive the orders of the Division Bench of Hon'ble High Court passed in W.P.No. 9586/2010 dated 24-09-2010, as evidence with consent of parties and mark the same as exhibit in the interest of justice. Hence the memo.

In view of the reasons stated above, it is prayed for this Hon'ble Court may be pleased to receive the orders of the Division Bench of Hon'ble High Court passed in W.P.No. 9586/2010 dated 24-09-2010, as evidence with consent of parties and mark the same as exhibit in the interest of justice. Hence the memo.

PLAINTIFFS/DEPONENT

Date: 15th JULY, 2011,
Place: Hyderabad.





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IN THE COURT OF III ADDITIONAL
SENIOR CIVIL JUDGE:
R.R.DISTRICT:
AT L.B. NAGAR.

O.S.NO. 197 OF 2003

Between:

Smt. S. Chilakamma & Others
represented by her agent/ attorney
holder Dr. M. Sharath Chandra Reddy

... PLAINTIFFS

And

District Collector, Ranga Reddy
District and others

..DEFENDANTS

MEMO FILED BY THE PALITIFFS

Received copy
for Defendant FILED ON:
15-07-2011

FILED BY:

Dr M. Sharath Chandra Reddy

Agent/ attorney of Plaintiffs

ADDRESS:

FLAT NO. 301,
MARUTHI ENCLAVE,
MARUTHI NAGAR,
HYDERABAD