

**BRIEF NOTE ON LAND BEARING SURVEY No.37 (WHOLE) AND SURVEY
No. 38 (PART) SITUATED AT BEGUMPET VILLAGE HYDERABAD:**

The land belonged to one **Nawab Syed Azam**. He purchased the same from Shri. Uppu Sivaiah S/o. Ellaiah vide document No. 166 of 1344 Fasli (corresponding English Era 20th October 1934 A.D.) A Xerox copy of same is attached as Document No.1.

In 1958, he (Nawab Syed Azam) sold the said land to **Shri. Macherla Veerabhadra Rao** under a registered Sale Deed No.867 dated 22nd May 1958. A Xerox copy of the same is attached as Document No.2.

In 1961, the said Shri. Macherla Veerabhadra Rao in turn, sold the land under a registered Sale Deed to three persons, namely (1) **Smt. Girija Bai Modi**, (2) **Smt.Kusum Ben Modi** and (3) **Sri Satish Modi**. A Xerox copy of the same is attached as Document No. 3.

Subsequently, **Smt. Girija Bai Modi and Sri Satish Modi**, sold their right, title and interest in the said land in favour of Smt. Kusum Ben Modi by a registered Sale Deed in the year 1964. A Xerox copy of the same is attached as Document No. 4.

By virtue of the above documents, **Smt. Kusum Ben Modi** became the sole owner of the property and she in turn, gifted the same in favour of Gurudev Siddha Peeth, which was previously known as "**GURUDEV ASHRAM**". The Gift Deed executed in the year 1975, was duly registered. A Xerox copy of the same is attached as Document No.5.

Thus, Gurudev Siddha Peeth has been in possession of the land since 1975 and prior to that the predecessors-in-title have been in possession since more than 50 years. The Gurudev Siddha Peeth have been obtaining Pahani Patras in respect of the land and they did not reveal any names of the alleged protected tenants.

While so, in or about the year 1983, three persons, namely., Varikoppula Narasamma, Yadagiri and Laxman obtained a Legal Heir Certificate from the concerned Mandal Revenue Officer stating that they are the legal representatives of one V.Ramaiah, alleged to be a protected tenant of the land. It may be mentioned here that prior to 1983, no one including V. Ramaiah claimed any right in respect of the said land either as protected tenant or as otherwise on the basis of the said Legal Heir Certificate, the said three persons filed a suit against Wasif Azam, son of Nawab Syed Azam for an injunction. It may be mentioned that Gurudev Siddha Peeth was not a party to the said suit, namely., O.S.No.458/84, on the file of the Principal Subordinate Judge, Saroornagar, Ranga Reddy District. Ultimately, the said suit was dismissed. It may be mentioned that the

said suit was filed by one P. Sudarshan, claiming to be their General Power of Attorney. A Xerox copy of the judgement is attached as Document No.6.

As the said three persons were trying to interfere with the possession of Gurudev Siddha Peeth, a suit was filed for declaration of title of the Siddha Peeth in respect of the land and for injunction. Along with the said suit bearing O.S.No. 74/85, Gurudev Siddha Peeth also filed an application for interim injunction, restraining the said three persons from alienating or making any construction or changing the physical features of the land. By an order dt. 26/4/1985, the said application was allowed and an injunction was granted. A Xerox copy of the order is attached as Document No. 7 and a xerox copy of the judgement dt. 6/8/1991 is attached as Document No. 8. In view of the injunction in I.A.No. 161/85 in O.S. No. 74/85, (order was confirmed by the high court in Order No 623 of 1985) Document No. 9, there cannot be a valid sale by P.Sudarshan as the General Power of Attorney of Varikoppula Narasamma; Yadagiri and Laxman

During the pendency of the proceedings, as the said P. Sudashan, the alleged Power of Attorney – holder and two others, were trying to interfere with the possession of Gurudev Siddha Peeth, a suit O.S. No. 228/87 was filed against them and it was also decreed in favour of Gurudev Siddha Peeth by judgement dated 30/8/1991. A Xerox copy of the same is attached as Document No.10

In fact, there have been a series of paper publications wherein it has been stated that P. Sudarshan is not the Power of Attorney – holder of the said three persons, i.e., (Varikoppula Narsamma; Yadagiri and Laxman). A xerox copies of the said paper publications are attached as Documents No. 11.

At this stage, some other persons are also claiming right, as the only legal heirs of the late Sri V. Ramaiah, namely., (1) Varikoppula Mallaiah and (2) Varikoppula Durgamma. However, all the alleged legal heirs of the protected tenant, had alleged legal heirs of the protected tenant, had given-up their alleged rights in favour of Gurudev Siddha Peeth Documents No 12 and 13 . Thus, Gurudev Siddha Peeth is the absolated owner and possessor of the property. A copy of the Phani for 1994 – 95 is enclosed as Document no 14.

It is submitted that in view of the injunction in I.A. No. 161/85 in O.S. No. 74/85, there cannot be a valid sale by P. Sudarshan as the General Power of Attorney of Varikoppula Narasamma; Yadagiri and Laxman. Further, the said sales are also hit by Section-52 of Transfer of Property Act.

It is further submitted that under the A.P. Protected Tenancy act the P. T's have no right to sell their share of property without joining the pattedar. Hence all sales and claims of purchasers of the alleged P.T's are not valid.

Even though Gurudev Siddha Peeth had won all case to settle all issues with Mr. P Sudarshan (a known land grabber), a sum of Rs 35,00,000/- was paid and an agreement dated 7th March 1996 was entered into where Mr. P. Sudarshan gave up all his rights on the land. Document No **15**. This was done to avoid further litigation and also to avoid the criminal elements who were putting undue pressure.

The CB-CID has enquired into this matter and has also made several references to the alleged illegal activities of P Sudarshan and others. No criminal action was taken only because the trust did not press for any criminal charges.

Gurudev Siddha Peeth has also won cases against various purchasers of P. Sudarshan.

- Os No 247 of 1993 document no **16**
- OS No 242 of 1993 document no **17**
- OS No 248 of 1993 document no **18**
- OS No 250of 1987 document no **19**
- OS No 250of 1987 document no **20**
- OS No 69 of 1987 document no **21**

It may also be noted that various residential buildings have come up on the land and have been occupied by the residents for a few years.

For all these reasons, there cannot be any dispute about the title of Gurudev Siddha Peeth in respect of the above said land.