

BREIF 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 Ear 20th October 1934 A.D). A Xerox copy of same is attached as Document No. 1

In 1958, he (Nawab Syed Azam) sold thee 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 Macheral 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 , 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 atatched 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 previous known as "GURUDEV SHRAM". 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 Narsamma, 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 judgment 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 judgment 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. Sudarshan, 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 its was also decreed in favour of Gurudev Siddha Peeth by judgment 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 Narasamma, Yadagiri and Laxman. A Xerox copies of the said paper publications are attached as Document No. 11.

At this stage, some other person are also claiming right, as the only legal heirs of the late Sri. V. Ramaih, namely (1) Varikoppula Malliah (2) Varikoppula Durgamma. However, all the alleged legal heirs of the protected tenant had given-up their alleged rights I favour of Gurudev Siddha Peeth and the MRO has passed orders in favour of Gurudev Siddah Peeth. A Xerox copy of the order is enclosed as Document No. 12 and 13. Thus Gurudev Siddha Peeth is the absolute owner and possessor of the property. A Copy of the Pahani 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.

In due course, Gurudev Siddah Peeth has also won all cases filed by persons claiming title through P. Sudarshan. Xerox copies of the court orders are enclosed :

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