

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 45529/2026

[Arising out of impugned interim order dated 08-07-2026 in IA No. 1/2026 in Writ Appeal No.420/2016 passed by the High Court for The State of Telangana at Hyderabad]

TELANGANA INDUSTRIAL INFRASTRUCTURE
CORPORATION (TGIIC)

Petitioner(s)

VERSUS

SHAHANA HYDER & ORS.

Respondent(s)

(IA No. 223225/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 223230/2026 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 06-08-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN

HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) :

Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. Rana Mukherjee, Sr. Adv.
Mr. Sravan Kumar Karanam, AOR
Mr. Kumar Abhishek, Adv.
Mr. Ronak Shankar Agarwal, Adv.
Ms. Radhika Sudheer, Adv.
Mr. P. Venkatraju, Adv.
Ms. G. Sushmitha, Adv.
Ms. M. Harshini, Adv.
Ms. Oindrila, Adv.
Mr. Sriram Polali, Adv.

For Respondent(s) :

Mr. Nidhesh Gupta, Sr. Adv.
Mr. Shiva Santosh Kumar Yelamanchili, Adv.
Mr. Tarun Gupta, AOR
Mr. Rudrajit Ghosh, Adv.
Ms. Trisha Chandran, Adv.
Ms. Medha Kolanu, Adv.
Ms. Ritika Rao, Adv.
Mr. Prasun Nabiyal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Permission is granted to file Special Leave Petition.

2. Heard Mr. C.S.Vaidyanathan and Mr. Rana Mukherjee, learned senior counsel appearing for the petitioner and Mr. Nidhesh Gupta, learned senior counsel assisted by Mr. Shiva Santosh Kumar Yelamanchili, learned counsel appearing for the contesting respondents, on caveat.

3. The present Special Leave Petition calls in question the correctness of the order dated 8th July, 2026 passed by the High Court for the State of Telangana at Hyderabad in IA No.1 of 2026 in Writ Appeal No.420 of 2026. By the said interim order passed in the Writ Appeal, the High Court has ordered as follows:

“Hence we deem it fit to allow the I.A. and appoint the Assistant Director, Survey Settlement and Land Records attached to the office of the District Collector, Ranga Reddy District, for

(i) Demarcating the land measuring Ac.46-20 Gts., in Survey No.83/2 of Raidurg (Panmaktha) village, Ranga Reddy District, with boundaries.

(ii) Noting down the physical features of the land including structures built and encroachment made by any third parties. The survey shall take the sketch and panchnama issued by the ULC authorities on 20.07.1993 and 26.03.2008 into consideration.

We further wish to clarify that the Assistant Director, Survey, Settlement and Land Records attached to the office of the District Collector, Ranga Reddy District shall be at liberty to conduct a digital survey of the land in question by use of Drone (Unmanned Aerial Vehicle - UAV).

The applicant shall bear the expenses/remuneration of the Syuveyor/Assistant Director, Survey, Settlement and Land Records attached to the office of the District Collector, Ranga Reddy District.

We further direct that the Survey shall be conducted in the presence of the concerned RDO, Rajendranagar, Ranga Reddy District and Mr. Subhash Namburu, the authorised person representing the respondent Nos. 3 to 12 and 15 to 19.

The Survey Report shall be filed by 29.07.2026.

List this matter on 05.08.2026."

4. The Writ Appeal itself filed by the State and it challenged the order dated 18th June, 2014 of the learned Single Judge wherein the Writ Petition of the respondents herein was allowed and in the operative part of the order, the following directions were issued:

"a) Section 3 (1) (a) of the Repeal Act provides that the repeal of the principal Act shall not affect the vesting of any vacant land under sub-section (3) of section 10.possession of which has been taken over by the State Government and that the phrase, "possession of which has been taken

over" appearing in section 3(1)(a) of the Repeal Act connotes the possession contemplated under section 10(6) pursuant to valid notice issued under section 10(5) of the Act and orders under section 10(3) of the Act vesting the land with the State. Section 4 of the Repeal Act provides that all legal proceedings pending before the commencement of the Repeal Act before any Court, Tribunal or Authority shall abate whereas Section 3 thereof provides that where any vacant land had vested in the State under Section 10(3) of the Act of 1976 and the possession of such vested land taken over by the State before the commencement of the Repeal Act alone will be saved from the operation of Section 4 of the Repeal Act. In the instant case, the impugned order taking over possession u/s 10(6) of the Act is illegal and without the authority of law as the same has been done without there being corresponding subsisting orders & notification etc., u/s 8(4), 9, 10(1), 10(3) & 10(5) of the Act. Since in the present case the taking over of possession under the impugned orders u/s 10(6) of the Act has been done without the subject land having been vested in the State Government u/s 10(3) of the Act, such taking over of possession under the impugned order is not falling within the mandate given in the Repeal Act and therefore not saved by section 3(1)(a) of the Repeal Act.

b) The correction order dated 08.07.1993 passed by the Competent Authority under section 45 of the Act in C.C. Nos. 11220/76 and batch has the effect of correcting the total surplus land computed in Sy. No. 83 under the Central Act to be 17,17,027 Sq.mtrs (Ac 424-13gts) instead of

the earlier determined surplus land of extent 18,94,472 Sq.mtrs (Ac 468-06gts) in all the earlier proceedings, being the final statements under section 9 of the Act dated 06.12.1979 & 25.01.1980; notifications under section 10(1) of the Act dated 16.01.1980 & 30.01.1980; notification under section 10(3) of the Act dated 24.01.1981 and notice under section 10(5) of the Act dated 26.02.1981.c) The correction order dated 08.07.1993 is implemented in the order under section 10(6) of the Act dated 19.07.1993 and the subsequent taking over and handing over of possession of the surplus land of extent 17,17,027 sq.mtrs (Ac 424-13gts) in Sy. No. 83/1 of Raidurg (Panmaktha) village, clearly & irrefutably leaving the land of extent Ac 99-07gts in Sy.No.83/2 being the agricultural land ceiling, area under a panchanama and sketch on 20.07.1993.

d) The land of extent Ac 99-07gts in Sy. No. 83/2 of Raidurg (Panmaktha) village being the surplus land under the State Act was first taken over possession by the State on 23.11.1976 and subsequently possession of the same was reverted back to the declarants on 25.04.1990, to enable the declarants to submit the same under the ULC Act but that due to pendency of various legal proceedings, no orders or proceedings under the Central Act could be issued in respect of the said Ac 99-07gts in Sy.No. 83/2 of Raidurg (Panmaktha) village subsequent to the correction order u/s 45 of the Act dated 08.07.1993 and proceedings u/s 10(6) of the Act dated 19th & 20th July 1993. The correction orders categorically declare the extent of surplus land in Sy.No.83 of

Raidurg. The Competent Authority is not entitled to take possession of land over and above this extent declared surplus. It is not the case of the respondents that they have taken up fresh proceedings for land covered in Sy. No.83/2 which would have authorized them to take recourse to possession. The absence of proceedings in Sy.No.83/2 totally bind the authorities not to take possession of land covered in Sy.No. 83/2.

e) There is a considerable and inordinate three decade long delay of nearly 27 years between the impugned order and the referred to notice therein under section 10(5) dated 24.02.1981 which stood modified by the correction order dated 08.07.1993 issued under section 45 of the Act.

The impugned order u/s 10(6) of the Act dated 25.03.2008 was passed by the competent authority after a long gap of 27 years from the date of notice u/s 10(5) of the Act dated 24.02.1981, either by giving a completely go-by or in complete ignorance and oversight of the correction order u/s 45 of the Act dated 08.07.1993 and which the second respondent is now trying to shore up with reasons in the counter affidavit that do not find place in, the impugned order and also being against the facts of the case and the same therefore, is not permissible in law.

f) Subsequent to the correction order dated 08.07.1993 passed by the Competent Authority u/s 45 of the Act in C.G. No. 11220/76 and batch, the land of Ac 99-07gts in Sy. No. 83/2 stands unaffected by the earlier orders u/s 9 of the Act dated 06.12.1979 and 25.01.1980, 10(1) of the Act dated 16.01.1980 and 30.01.1980, 10(3) of the Act

dated 24.01.1981 and notice u/s 10(5) dated 26.02.1981 of the Act as the same stood corrected to declare the surplus land to be 17,17,027 sq.mtrs instead of the earlier declared surplus land of 18,94,472 sq.mtrs and thereby disables the Competent Authority to take possession of any part of the land in Sy. No. 83/2 of extent Ac.99-07gts (of which the impugned extent of 1,88,259.89sq.mtrs or Ac 46-20gts is part and parcel of without passing the fresh foundational orders u/s 8(4), 9, 10(1),10(3) and 10(5) of the Act. Since there is no proceedings u/s 10(3) of the Act vesting the surplus land of extent 1,88,259.89 sq.mts (Ac 46-20gts) in the State, thereby the impugned order dated 25.03.2008 and the panchanama and sketch taking over possession on 26.03.2008, cannot stand in law and are set aside.

g) It is to be clearly noted and affirmed that the correction orders passed, u/s 45 of the Act categorically extinguishes and modifies the previous order to the extent defined in the correction order. In other words it is clearly held now that the orders/notifications issued u/s 9, 10(1), 10(3) and 10(5) etc. prior to the correction orders passed u/s 45 of the act stand corrected to the extent of surplus land declared & ordered u/s 45 of the act. The correction orders u/s 45 of the Act freeze the surplus land of an extent of 17,17,027.00 sq.mts. and that has been taken possession of. No land over and above this extent of 17,17,027.00 sq.mts. is covered either in vesting orders u/s 10(3) of the Act or declaration of surplus orders u/s 9 of the Act or by other valid orders.

The impugned order taking possession of 1,88,259.89 sq.mts. in the year 2008 are clearly unauthorized and bad in law since this particular parcel of land is not declared as surplus or vested with Govt. under the Act in view of the correction orders passed by the Competent Authority under section 45 of the Act.

h) It is also now clearly established that the land of Sy.No.83/2 to an extent of Ac.99-07gts. was not subjected to the proceedings under the Act since it was at that point of time not held by declarants and the correction order passed gave finality to this in 1993. Thereafter subsequent to reconveyance of this land by the authorities under the State Act, this land should have been proceeded with under the Act but the Competent Authority failed to do so and thus afterwards also the said land continued to be free from the proceedings under the Act. The embargo put by the Repeal Act now prohibit the authorities from taking any action under the Act and so it can be finally concluded that this land is free from provisions of the Act and is legally bound to be with the declarants.

i) Section 3(1) (a) of the Repeal Act does not save the proceedings taken under the impugned order since there is no subsisting foundational order in existence u/s.10(3) of the Act. Since the impugned order cannot exist without the foundational orders u/s. 9, 10(1), 10(3) and 10(5) of the Act, the impugned order and the proceedings taken there under are declared illegal and the same are set aside. In view of the abatement of the proceedings u/s. 4 of the

Repeal Act, the respondents are directed to restore possession to the petitioners 3 to 12, of the land of extent 1,88,259.89 sq.mtrs (Ac 46-20gts) in Sy. No. 83 of Raidurg (Panmaktha) village, the possession of which was illegally taken over by the State on 26.03.2008.

j) it is declared that the subject land purported to have been taken possession of by the State under the impugned order, has not vested in the State u/s 10(3) of the ULC Act and thereby the impugned proceedings are not saved u/s section 3 of the Repeal Act and consequently proceedings in C.C. Nos. 11220/76 and batch have abated u/s 4 of the Repeal Act in respect of the subject land of extent 1,88,259.89 sq.mtrs (Ac 46-20gts) in Sy.No.83 of Raidurg (panmaktha) village and hence the respondents are In Illegal and unauthorized possession of the said subject land. I hold that the action of the respondents In taking unlawful and Illegal possession under the impugned orders, Is an arbitrary & colourable exercise of power violating the fundamental right of petitioners 3 to 12 under Article 14 of the Constitution of India. Since petitioners 3 to 12 were deprived of their property without the authority of law, the action of the respondents also amounts to violation of Article 300-A of the Constitution. Since the respondents are clearly In Illegal possession of the land and In violation of the fundamental and Constitutional rights of petitioners 3 to 12, the respondents are required to- restore the possession of the subject land to petitioners 3 to 12 expeditiously, preferably within a period of eight weeks from the date of receipt of this order.

For the foregoing-reasons, the impugned order, the consequential panchanama and the sketch annexed thereto are, set aside, and consequently, the writ petition is allowed and the respondents are directed to restore the possession of the subject land to petitioners 3 to 12 expeditiously, preferably within a period of eight weeks from the date of receipt of a copy of this order. The parties are left to bear their own costs."

5. The case of the petitioner herein is that after the alleged/purported excess land stood vested in the State, the possession of the said land was taken over and the land was handed over on 11th September, 2008 to the petitioner-Corporation.

6. This fact is disputed by learned senior counsel appearing for the contesting respondents who in fact contends that any such handing over has been set aside by the learned Single Judge. Learned senior counsel contended that the setting aside of the order of 2nd September, 2008 was on the basis where the order dated 25th March, 2008 and the Panchnama dated 26th March, 2008 purportedly directing taking over of possession of the remaining 46.26 gts itself was set aside. Learned senior counsel draws particular attention to sub-para (6) of the directions of the learned Single Judge.

7. When the Writ Appeal was filed by the State, an interim order was made on 28th June, 2016 whereby the following was recorded:

“Heard learned Advocate General for the appellants and Sri K.Raghava Charyulu, learned counsel for respondent Nos. 3 to 12.

It is not in dispute that the property in question is in possession of the State. Learned Advocate General makes a statement that the State shall protect the property till the disposal of the appeal.

In the circumstances, there shall be an interim order as prayed in the WPMP. It is needless to mention that the State shall not create any third party in the property without permission of the Court.”

8. The said interim order is operating even now. It is at this stage, IA No.1 of 2026 came to be filed by the respondents herein before the High Court which has resulted in the impugned order.

9. The grievance of the petitioner is that they were not made a party and as such they were also not heard when the order for survey was made.

10. Learned senior counsel for the contesting respondents submits that it is the State which is in appeal and there was no need to hear the petitioner herein.

11. We are of the considered opinion that interest of justice will be sub-served, if the following order is made:

(a) The petitioner will be at liberty to seek impleadment in the Writ Appeal;

(b) We record the statement of Mr. C.S.Vaidyanathan, learned senior counsel appearing for the petitioner that along with the application for impleadment, they will file an application for modification/clarification/vacation of the impugned order dated 8th July, 2026.

(c) On such application being filed, the High Court shall, uninfluenced by the observations made either in the impugned order or in the present order, hear and dispose of the said application;

(d) We further direct that in the event the Survey has not been held, the *status quo* will be maintained and it will await the disposal of the application which the petitioner proposes to file; and

(e) It is made clear that the protection available under this order with regard to the keeping of Survey in abeyance will enure to the benefit of the petitioner for one week and, in

any event not later than 14th August, 2026. If the petitioner is really serious, by the said date they will move the necessary application and bring it up for hearing.

12. Mr. Shiva Santosh Kumar Yelamanchili, learned counsel for the contesting respondents brings to our notice that the petitioner has already notified auction of the subject lands.

13. Mr. C.S.Vaidyanathan, learned senior counsel for the petitioner states that no such proposal to auction the properties, which are in question in the Writ Appeal, exists.

14. We record the statement.

15. With the above observations, the Special Leave Petition is disposed of.

16. Pending application shall stand disposed of.

(ANITA MALHOTRA)
DEPUTY REGISTRAR

(MANOJ KUMAR)
COURT MASTER