

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE N.V. SHRAVAN KUMAR**

WRIT PETITION No. 19942 of 2005

DATED : 13.03.2026

Between:

Baqtawar Begum and 11 others

... Petitioners

AND

Government of Andhra Pradesh, rep., by its Secretary,
Forest and Environment Department,
Secretariat, Hyderabad and 9 others.

... Respondents

ORDER:

None appears for the petitioners.

Mr. Mohd. Imran Khan, learned Additional Advocate General appears
for the State.

2. This writ petition is filed seeking action of the respondents in not releasing the land of the petitioners admeasuring Acs.100.00 in Sy.No.201 situated at Sahebnagar Kalan Village, Hayathnagar Mandal, Ranga Reddy District from the notification for constituting a reserve forest as published in Gazette No.142 dated 23.11.1981 by applying the judgment of the erstwhile High Court of Andhra Pradesh in CCCA.No.84 of 1982 dated 16.08.1985.

3. The petitioners claims to be the owners and possessors of land admeasuring Acs.100.00 in Sy.No.201 of Sahebnagar Kalan Village, Hayathnagar Mandal, Ranga Reddy District by virtue of the decree passed in C.S.No.13 of 1958 dated 05.03.1959. One Mir Yousuf Ali Khan, known as Nawab Salar Jung III, died intestate on 02.03.1949 at Dewan Devadi, Hyderabad, leaving moveable and immovable properties in the form of Royal Grants, Jagirs, Seriat Inam Lands, Maqtajat, Jaat Jagirs and self purchased Maqtas. After the demise of the said Nawab Salar Jung III, by Regulation No.34 of 1949, a Committee by name 'Salar Jung Estate Committee' was formed, headed by Chairman and four members, to deal with all matters pertaining to the Estate properties. C.S.No.13 of 1958 was filed in the erstwhile High Court of Andhra Pradesh by one of the Heirs- Syed Hasan against Syed Kazim Hussain and 115 others for partition of all moveable and immovable properties of the Salar Jung Estate and a preliminary decree was passed on 05.03.1959. Thereafter a Receiver-cum-Commissioner was appointed on 05.05.1959, for affecting the partition of the properties that were available for partition amongst the heirs and successors of the Estate. The said Receiver-cum-Commissioner took possession of the properties comprising of movable and immovable with all leases, account books, memoranda and writings relating to the Estate of late Nawab Salar Jung on 20.05.1959 as specified in the decree and informed the same to the Hon'ble High Court.

4. It is further submitted that in Application No. 82 of 1962 in C.S.No.13 of 1958, the Receiver-Cum-Commissioner, by Report dated 15.6.1963 had allotted several lands to Defendant No.2 in the suit, and the allotted land is inclusive of dry land admeasuring Acs.100-00 which is the subject matter of this writ petition. It is further submitted that the Maktas were taken over by the Government in 1949 under the Jagir Abolition Act, 1953 and released on 24.4.1954 by letter No.808 of Jagir Administrator. In the said letter, the village of Sahebnagar Kalan has been specifically mentioned and in pursuance to the said release of the Maktas, the Inams Abolition Act, 1955 by Gazettee Notification No. 1550/1 dated 15.02.1956 concluded the enquiry in the year 1968 and the Revenue Department, Government of Andhra Pradesh released the Maktas declaring them as self-purchased landed properties of late Salar Jung Bahadur, vide File No.2/1956, dated 26.06.1968. It is further submitted that by virtue of the said release of Maktas, the petitioners were in valid possession and were entitled to shares specified in the decree passed by this Court. It is further submitted that Sy.No.201 of Sahebnagar Kalan Village, Hayathnagar Mandal, Ranga Reddy District was never a Government Land.

5. It is submitted that respondent No.1 has issued Notification under Section 4(1) of the A.P. Forest Act, 1967, (for short, "the Act") published in A.P. Gazettee on 18.06.1971 propsoing to constitute a reserve forest in

respect of the land in Sy.No.201 of Saheb Nagar Kalan Village. It is further submitted that the petitioners were not having any knowledge about the said Notification since their rights were not completely crystallized due to the pending litigation in C.S.No.13 of 1958. It is further submitted that a proclamation under Section 6 of the Act was published in the A.P. Gazettee on 23.11.1981 calling for objections from the interested parties. The petitioners submitted objections to the District Collector, Ranga Reddy District and Forest Settlement Officer contending that the land covered by the proposed reserve forest notification was a private land and the same may be deleted from the Notification issued under Section 15 of the Act.

6. The main grievance of the petitioners is that the land in Sy.No.201 of Saheb Nagar Kalan Village, is a private property and does not belong to any forest free growth or wild animal habitation and it is a kacha land without any cultivation whatsoever and the petitioners were objecting for proposal for inclusion of the subject land as a reserve forest.

7. Respondent No.7 District Collector has informed the petitioners vide Memo dated 04.08.2005 that the request for release of land of the petitioners cannot be considered since the subject land has been declared as Government land by this Court in CCCA.No.84 of 1982 vide judgment dated 16.08.1985 against the decree in O.S.No.906 of 1977 which was filed seeking declaration decree on the file of the II Additional Judge, City Civil Court, Hyderabad for

a total extent of Acs.2115-17 guntas of Saheb Nagar Kalan and Qutubullapur Villages and that the petitioners were not parties to the said suit. As such the memo issued by the District Collector on 04.08.2005 rejecting the claim of the petitioners on the basis of judgment in CCCA.No.84 of 1982 is erroneous. Eventually, it is prayed that the subject land be released from the proposal of reserve forest without reference to the judgment dated 16.08.1985 passed by this Court in CCCA.No.84 of 1982.

8. Counter affidavit has been filed by the Divisional Forest Officer, Ranga Reddy District on behalf of respondent Nos.1, 3, 4 and 5 denying the allegations of the petitioners and would submit that Sy.No.201 admeasuring Acs.770.23 guntas was poramboke land as per letter dated 23.07.1953 issued by the Secretary, Board of Revenue. Out of the said extent, Acs.435.00 of land was proposed to be constituted as reserve forest and proposals under Section 4 of the Act were submitted to the District Collector vide the Divisional Forest Officer by letter dated 28.03.1974. It is submitted that though in the pahanis for 1961 to 1986, the land is said to be belonging to Salarjung, but it is different as can be seen from the revenue records submitted by the District Collector vide reference dated 08.01.1971. It is further submitted that the District Collector has submitted that Sy.No.201 admeasuring Acs.770.23 guntas was classified as Kancha Government land and to an extent of Acs.200.00 is under encroachment and the District

Collector agreed for reservation proposals for remaining area after excluding an extent of Acs.200.00 and there is no mention of possession by the petitioners and their claim is not substantiated and in the pahani for the year 1996-97 an extent of Acs.570.27 guntas is shown as Sarkari Kancha and the balance land is shown to be in the possession of different land owners and the names of the petitioners are not figuring in the said pahani. It is further submitted that the reservation process and notification under Section 4 of the Act were not completed as the Government decided to allocate part of the land to the Hyderabad Urban Development Authority (HUDA) vide G.O.Ms.No.557, dated 08.06.1976 and in the said land housing complexes now called Vanasthalipuram has come up and that the forest department was not a party to C.S.No.13 of 1958. It is further submitted that the subject land was said to be resumed by Nizam Atiyat of Revenue Department during 1956 and again released during 1968 and as such the petitioners ought to have in possession of the land after 1956 and the claim of possession after a lapse of nearly 40 years is time barred. As such the petitioners cannot agitate the same before this Court. Further, the Secretary, Board of Revenue on 23.07.1953 clearly stated that the land in Sy.No.201 admeasuring Acs.770.23 guntas is a Poramboke land.

9. It is further submitted that it was proposed to notify under Section 4 of the Act to constitute Saheb Nagar Forest Block by taking lands to an extent of

Acs.435.00 in Sy.No.201 of Saheb Nagar village, Acs.53.00 from Sy.No.140/1 of Gurranguda Majra of Nadargul village and Acs.279.20 guntas from Sy.No.93 of Turkayamjal village. The proposals were under scrutiny stage by the Government and the Government decided to allocate about Acs.400.00 in Sy.No.201 to HUDA. It is further submitted that when there is no notification under Section 4 of the Act as alleged by the petitioners, the proclamation under Section 6 does not arise. As such, the petitioners were put to strict proof. Eventually, it is submitted that the petitioners are trying to unsettle the judgment of this Court in the matters connected with the suit in O.S.No.906 of 1977 on the file of the II Additional Judge, City Civil Court, Hyderabad and moreover, the claims are barred by limitation and the Government has gained absolute title to the suit properties by adverse possession. It is further submitted that if the contention of the petitioners has to be considered that the declaration of title was not judgment in rem, the petitioners have to establish the same in civil Court on the possession of title, which cannot be decided by invoking the writ jurisdiction.

10. Respondent No.7, District Collector, Ranga Reddy, has filed counter affidavit and would submit that as seen from the Revenue and Survey Settlement records land in Sy.No.201 admeasuring Acs.770-23 gts, is classified as Kancha Sarkari (Government land) as most of the revenue records reflect the Kancha Sarkari over the said land and that the Salarjung

Estate Committee and the Jagir Administrator, Government of Hyderabad, were not parties to the compromise recorded on 29.09.1956 in C.S.No.13 of 1958 and the compromise decree is between the private parties and the Government is not a signatory and therefore, the terms of the compromise is not binding on the Government and that the petitioners cannot be concerned with the Government land. It is further submitted that the Jagirs of late Nawab Salarjung Bahadur were abolished under the Hyderabad Jagirs (Commutation) Regulation 1359 Fasli and were alternatively provided commutation amount to the then Jagirdars and their legal heirs as per the revenue on the Jagir lands held by the then Jagirdars under the provisions of Hyderabad Jagirs (Commutation) Regulation, 1359 Fasli and the civil Court has also passed orders for payment of commutation amount to the legal representatives of Jagirdars where the present petitioners are defendants in O.S.No.156 of 1980, dated 12.10.2000.

11. It is submitted that the land in Sy.No.201 admeasuring Acs.770-27 guntas was recorded as Kancha Sarkari (Government Land) and the land claimed by the petitioners are falling in the reserve forest block of Gurranguda and Sahebnagar Kalan. It is further submitted that the old Survey and Settlement record and revenue records exhibit the land in Sy.No.201 admeasuring Acs.770-27 guntas as Kancha Sarkari and the Board of Revenue, Hyderabad by order dated 23.07.1953 in their File No.10815 to

10819/A has allotted an extent of Acs.570-00 out of the total extent of Acs.770-27 guntas to the forest department for taking up soil conservation research programme. In turn, the forest department has proposed an extent of Acs.105-00 in Sy.No.201/1 of Saheb Nagar Kalan Village to be included in reserve forest of Gurranguda Block out of total extent which is under the possession of the forest department vide G.O.Ms.No.778, dated 18.06.1971. Further, the Forest Settlement Officer published a proclamation notification under Section 6 of the Act in respect of the proposed reserve forest block of Gurranguda Village inviting claims and objections from the ryots and owners of the land included in the forest block under the provisions of the Act. It is further submitted that the Government had proposed reserve forest in Gurranguda Forest Block under Section 4 of the Act vide G.O.Ms.No.778, dated 11.06.1971 and the same has been published in Gazette No.42, dated 23.11.1981. Declaration of lands comprising the reserve forest of Gurranguda Block is as under:

1.	Turkayamjal Village	Sy.No.93	Extent Acs.279-02
2.	Saheb Nagar Kalan Village	Sy.No.201/1	Extent Acs.102-00
3.	Nadergul Village	Sy.No.140/1	Extent Acs. 30-00

12. It is further submitted that consequent to the notification issued under Section 6 of the Act on 12.07.1982, neither the petitioners nor their predecessors have filed any objections as called for by the Forest Settlement Officer and finally draft notification under Section 15 of the Act was

submitted to the higher authorities for necessary approval. Further, an extent of Acs.580-27 guntas of land was proposed for reservation of forest reserved block and the same was processed and submitted in respect of Sabhebnagar block under the provisions of the Act. It is further submitted that as regards the claim of Arazi Maqtas over the schedule land, it is evident that as per the inam enquiry Salar Jung estate discussed in File No.A2/56 of 1956 held in the Court of Nizam Atiyat, A.P., Hyderabad, the village Sahebnagar which was declared as Arazi Maqtas was released in the year 1954 at Sl.No.25 of List 'D' as it did not come under the purview of Jagir Abolition regulation and the Atiyat Court has ceased to have jurisdiction over inam land and Arazi Maqta and no order was passed about these Maqtas and Inam lands and the claimants are free to seek relief under the Abolition of Inams Act, 1967. By making the above submissions, eventually respondent No.7 – District Collector prayed this Court that the suit is totally barred by limitation.

13. Learned Additional Advocate General would submit that the State of Telangana, represented by its Forest Divisional Officer has preferred an appeal in Civil Appeal No.9996 of 2025 (**State of Telangana, represented by Forest Divisional Officer vs. Mir Jaffar Ali Khan (dead), through Lrs and others**)¹ against the order dated 20.01.2023 in C.R.P.No.417 of 2016, which was dismissed confirming the judgment and decree dated 23.09.2016 passed in C.M.A.No.5 of 2015 on the file of the Principal District Judge,

¹ 2025 SCC OnLine SC 2859

Ranga Reddy District at L.B. Nagar, which is the subject matter of this writ petition and the Hon'ble Supreme Court by order dated 18.12.2025 allowed of the said Civil Appeal No.9996 of 2025. Paras 26.1 and 30 to 34 reads as under:

“26.1 A perusal of the judgment, between the alleged successors of Salar Jung-III, discloses that Sy.No.201/1, admeasuring 102 Acres at Saheb Nagar Kalan, is not mentioned in the schedule or does not fall within item 18 to the schedule appended to the plaint. The said finding goes to the very root of the claim of the alleged successors-in-interest of Salar Jung-III, including the Claimants herein. We take note of the array of parties in the OSA and the present claim; and the finding in OSA is not put against the claimant to disallow the claim, but the reported judgments are looked at to bring home the lukewarm approach of the Forest Department in presenting proper and available objections on the alleged right of the claimants.”

30. The claim for title is firmed up through the order of Nizamat Atiyat dated 26.06.1968, the orders impugned as already noted in the paragraphs above, accepted (a) alleged release of land from integration and (b) in an enquiry by Nizamat Atiyat, a few villages are held as Arazi-Makta. Therefore, the subject matter is liable to be excluded from a final notification under Section 15 of the Telangana Forest Act. As discussed above, this Court has authoritatively declared the outer limit of the jurisdiction of the Atiyat Court, and held that Nazim Atiyat's jurisdiction is confined to the distribution of commutation (A.P. Wakf Board (supra)). By applying the said ratio, we note that the order of Nazim Atiyat Court is not determinative of the subject matter's status; and consequently, the findings in the impugned order are contrary to the findings by this Court. Moreover, independent of the view taken by the FSO on the determinative character of the Nazim Atiyat Court's orders, the impugned orders failed to appreciate the inconclusiveness in the order of the Atiyat Court, when it redirected the matter to be settled as per the Inams Act.

31. The impugned judgments/orders clearly lay down conclusions which are explicitly contrary to the view taken by the High Court and this Court in previous decisions. The foundation of the claim is based on the sale deed dated 05.03.1248H, release orders, and orders of Nazim Atiyat. This foundation does not make out a case, and the judgment and decree of the civil court relied on by the FSO and the alleged entry in revenue records pale into insignificance. If the

argument of the Claimants is accepted, the same can be utilised for a vast extent of property, for which all the rights have been settled under one enactment or another.

32. The intrinsic examination of the documents relied on by the Claimants does not establish that the Subject Matter is a self-acquired property of Salar Jung-III. It is admitted that with the abolition of Jagirs, the land stood vested in the Government. Having admitted that at the first instance, the estate of Salar Jung-III was divested of its entitlement and possession through a valid regulation, accepting such scanty records/copies of letters for retransfer in favour of the estate of Salar Jung-III is highly improbable, and acceptance of such a claim is nothing short of a perverse recording of a finding. The decree and judgment in O.S. No. 156 of 1980, by any measure of interpretation, cannot be extended to affect the process initiated in 1949, continued till 12.10.2004. The claim of an alleged assignee of Salar Jung-III was found to be untenable on the ground that the Jagirdar, except for having a life interest, does not have the right of alienation or assignment. The revenue records have been found to be tampered with and fudged with incorrect entries. The possession of the Government was held adverse to the assignee claimant, and the acquisition of title by adverse possession by the Government was upheld. The commonality in both cases is that the plaintiff in O.S. No. 906 of 1977 claims as assignee, and the present claimants claim as successors to the estate of Salar Jung-III. A regularly instituted suit in 1977 was found to be beyond the period of limitation, and curiously, in a summary enquiry under Section 10 of the Telangana Forest Act, it is held that the claim is not barred by limitation. The orders impugned fell into a serious error of law in appreciating the difference between a claim barred by limitation and consideration of condonation of delay under Section 16 of the Telangana Forest Act. Even if the Tribunal has the power to condone the delay in filing a claim, the same does not have the effect of upsetting the title acquired through prescription. The impugned orders, either as ancillary or incidental to accepting the claim, hold title in favour of the Claimants. The fundamental error of law is that the Forest Department is a transferee of the then Government of Andhra Pradesh. A claim on title is always between the Government and the rival claimant. The proceedings under the Telangana Forest Act cannot go thus far to unsettle the proceedings initiated under Jagir Abolition Regulation, Jagir Abolition Commutation, and the Abolition of Inams Act.

33. In fine, we hold that the claim of right through the sale deed dated 05.03.1248H, release order from Jagir Administration, adjudication by Nizam Atiyat Court of the Claimants has been accepted either through non-consideration of the documents filed by

the Claimants, its legal effect vis-à-vis the government, and/or by exceeding the jurisdiction of inquiry under Section 10 of the Telangana Forest Act. The limitation for filing objections is liberally applied by holding that there is power to condone the delay. The District Court and the High Court fell into error of law in affirming the view taken by the FSO through the order dated 15.10.2014. The claim for the Subject Matter of the Claimants in Claim Petition No. 1 of 2005 for the appreciation and examination of the very case of the Claimants fails, and the claim is thus rejected. It is held that the Subject Matter has been Government land and the proposals for final notification under Section 15 of the Telangana Forest Act have been validly instituted. The impugned judgments, for the above reasons, are unsustainable, warrant interference, and accordingly, the order of FSO dated 15.10.2014, as confirmed by the Principal District Judge and the High Court, is set aside.

34. The Appellant has kept the proposal for final declaration under Section 15 of the Telangana Forest Act pending from 1971 till 20.12.2004. It is a matter of common knowledge that lung spaces are shrinking in all cities, and the twin cities of Hyderabad and Secunderabad are no exceptions. Hence, the Chief Secretary, State of Telangana, is directed to ensure completion of pending proposals under Section 15 of the Telangana Forest Act for including the Subject Matter as a reserved forest within 8 weeks, and file the compliance status report before the Registry of this Court.

14. A perusal of the above said decision clearly shows that the Hon'ble Supreme Court has conclusively decided the issue with respect to Sy.No.201/1 of Gurranguda Forest Block, Hayathnagar Mandal, Ranga Reddy District, which is the subject matter of the present writ petition, and confirmed the orders dated 15.10.2014 of the Forest Settlement Officer made under Sections 4 and 6 of the Act by setting aside the order dated 20.01.2023 passed by this Court in C.R.P.No.417 of 2017 and allowed the Civil Appeal.

15. In view of the authoritative pronouncement by the Hon'ble Supreme Court in Civil Appeal No.9996 of 2025, which squarely covers the present

writ petition, the relief sought in this writ petition is devoid of merits and fails.

16. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

APARESH KUMAR SINGH, CJ

N.V. SHRAVAN KUMAR, J

Date: 13.03.2026
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