IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION NO: 15786 OF 2020

Between:

1. Aluvala Ganesh Babu, S/o. Late Sambaiah, Aged 52 years, Occ. F.C.I. outside Khazipet, H.No.1-1-1124, Siddarthnagar, Kazipet Town, Warangal (Urban).
2. Aluvala Anil Kumar, S/o. Late Sambaiah, Aged 50 years, Occ. Agriculture, R/o, H.No.1-1-1124, Siddarthnagar, Kazipet Town, Warangal (Urban).
3. Aluvala Raj Kumar, S/o. Late Sambaiah, Aged 44 years, Occ. Agriculture, R/o, H.No.1-1-1124, Siddarthnagar, Kazipet Town, Warangal (Urban).
4. Aluvala Ram Kumar, S/o. Late Sambaiah, Aged 41 years, Occ. Agriculture, R/o, H.No.1-1-1124, Siddarthnagar, Kazipet Town, Warangal (Urban).
5. Aluvala Ramu, S/o, Late Sambaiah, Aged 38 years, Occ. Agriculture, R/o, H.No.1-1-1124, Siddarthnagar, Kazipet Town, Warangal (Urban).

...PETITIONERS

AND

1. The State of Telangana, Department of Revenue, Rep. by its Principal Secretary, Secretariat, Hyderabad.
2. The District Collector, Warangal (Urban) District O/o the District Collector Warangal (Urban) District Warangal
3. The Revenue Divisional Officer, Warangal, Warangal (Urban) District
4. The Tahsildar, Kazipet, Warangal (Urban) District
5. Gade Inna Reddy, S/o. Gade Solomon Reddy, Aged about 66 years, Occ. Agriculture, R/o. Zaffargadh Village and Mandal, Jangaon District,

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of

Writ of Mandamus, declaring the high handed action of the Respondent No.4 in changing the Revenue Records in respect of the land admeasuring Ac.0-15gts situated in Sy.No.127 (new)/ Sy.No.132 (old) of Somidi Revenue Village, Babu Camp, Siddhartha Nagar, Kazipet, Warangal (Urban) District in favour of Respondent No.5 without notice to the petitioners as arbitrary, illegal, unjust and contrary to the pending proceedings in Appeal before the Respondent No.3 vide RC.No.A/3673/2019, contrary to ROR Act. and violative of Article 14, 19(1)(g) and 300A of the Constitution of India and contrary to ratio laid down in Chinnam Pandurangam Vs. Mandal Revenue Officer, Serilingampally Mandal and Ors reported in (2007) 6 ALD 348 (FB), consequently direct the Respondent No.4 to continue the status ante 10.08.2020 in respect of land admeasuring Ac.0-15gts situated in Sy No.127 (new)/Sy.No.132 (old) of Somidi Revenue Village, l3abu Camp, Siddhartha Nagar, Kazipet, Warangal (Urban) District by setting aside any proceedings in relation thereto.

I.A. NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.4 to maintain the Revenue Records in respect of Land admeasuring Ac.0-15gts situated in Sy.No.127 (new) /Sy.No.132 (old) of Somidi Revenue Village, Babu Camp, Siddhartha Nagar, Kazipet, Warangal (Urban) District, ante date i.e. 10/08/2020 pending the Appeal vide RC No. A/3673/2019 before the Respondent No.3, pending disposal of the main Writ Petition, in the interest of justice.

Counsel for the Petitioner: SRI S. LAKSHMI KANTH

Counsel for the Respondent No.1 to 4: ASST. GP FOR REVENUE

Counsel for the Respondent No.5: SRI PAWAN KUMAR AGARWAL

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION No.15786 OF 2020

Dated:30.03.2026

Between:

Aluvala Ganesh Babu
and four others.

...Petitioners

And:

The State of Telangana,
rep. by its Principal Secretary,
Revenue Department,
Hyderabad and four others.

...Respondents

ORDER:

This Writ Petition is filed to issue a writ of *Mandamus* declaring the action of respondent No.4 in changing the revenue records in respect of land admeasuring Ac.0-15 gts in Sy.No.127 (new)/Sy.No.132 (old), situated at Somidi Village, Babu Camp, Siddhartha Nagar, Kazipet, Warangal District (hereinafter referred to as 'subject property') and incorporating the name of respondent No.5, without notice to the petitioners, as illegal and arbitrary and for consequential relief.

2. Heard Sri S.Lakshmikanth, learned counsel for the petitioners and learned Assistant Government Pleader for Revenue. Though Sri Pawan Kumar Agarwal, advocate, entered appearance for respondent No.5, there is no representation on his behalf.

3. The brief facts of the case as averred in the writ affidavit are that originally, the petitioners' grandfather, late Aluvala Komuraiah, was the pattadar and possessor of the subject property, and his name was reflected in the pahanies from the year 1979–1980 until the illegal change was effected on 10.08.2020; that after the death of Komuraiah, his son, Sambaiah, inherited the subject property, and his name was entered in the revenue records; that on the death of Sambaiah, the petitioners and their mother inherited the subject property and became the joint owners and are in peaceful possession of the same.

3.1. It is further averred that while the matter stood thus, respondent No.4 issued pattadar passbooks in favour of respondent No.5, without issuing any notice to the petitioners, allegedly on the strength of a simple unregistered sale deed said to have been executed in favour of respondent

No.5 by one Alice Cyriac and three others; that as per respondent No.5, his vendors have acquired rights over the subject property by virtue of an unregistered agreement of sale allegedly executed by the petitioners' father; and that on coming to know about issuance of pattadar passbooks in favour of respondent No.5, the petitioners submitted several representations to respondent No.2.

3.2. It is further averred that subsequently, the petitioners filed an appeal before respondent No.3 under Section 5(B) of the Telangana State Record of Rights in Land and Pattadar Pass Books Act, 1971 (for short, "ROR Act, 1971"), seeking to set aside the order passed by respondent No.4 and to cancel the pattadar passbooks issued in favour of respondent No.5; that respondent No.3, after verifying the records, issued notice dated 15.07.2020 to all the parties, including respondents No.4 and 5, directing them to appear along with relevant documents at 11:00 A.M. on 05.09.2020; that while the matter was pending before respondent No.3, respondent No.4, in collusion with respondent No.5, arbitrarily changed the revenue records on 10.08.2020, by entering the name of respondent No.5 as pattadar and possessor in the pahanies, without issuing any notice to petitioners. Aggrieved by the same, the present Writ Petition is filed.

4. Learned counsel for the petitioners submitted that respondent No.5 and his vendors are claiming rights over the subject property basing an unregistered agreement of sale allegedly executed by the petitioners' father-Sambaiah, but, according to the petitioners, no such agreement of sale exists. He further submitted that an unregistered agreement of sale does not confer any right, title or interest in respect of immovable property in favour of the agreement holders, therefore, question of acquiring saleable rights over the subject property on the basis of such an alleged agreement of sale by the vendors of respondent No.5 does not arise; that respondent No.4 issued pattadar passbooks in favour of respondent No.5 on the basis of an unregistered simple sale deed, behind the back of the petitioners; that when the appeal filed by petitioners before respondent No.3 was pending, respondent No.4, in collusion with respondent No.5, illegally and arbitrarily altered the revenue records on 10.08.2020, by entering the name of respondent No.5 as pattadar and possessor in the pahanies, without issuing any notice to the petitioners, which is contrary to the law laid down by the Full Bench of the erstwhile High Court of Andhra Pradesh in ***Chinnam Pandurangam vs. Mandal Revenue Officer, Serilingampally Mandal and ors***[1].

[1] 2007 (6) ALD 348 (FB)

4.1. Learned counsel for petitioners further submitted that the entire subject property is shown as "Residential Houses" in the revenue records, in such a case, respondent No.4 lacks jurisdiction and further, he cannot decide disputed question of title. By contending as above, learned counsel for petitioners prayed to allow the Writ Petition.

5. Counter has been filed on behalf of respondent No.4 stating that the simple sale deed executed in favour of respondent No.5 by Alice Cyriac and three others was regularized, as the latter claimed to have purchased the subject property from one Sambaiah (petitioners' father); that consequently, pattadar passbooks were issued in favour of respondent No.5 vide PPB No.233948, Khata No.295, during the year 2010, by duly following the procedure laid down under the ROR Act, 1971, and the same was implemented in the pahani for the year 2009-10. It is further stated that the appeal filed by petitioners, under Section 5(B) of the ROR Act, 1971, before the RDO, was subsequently taken up by the Special Tribunal, which, in turn, disposed of the appeal on 06.02.2021, observing that the matter was subjudice, as S.A.No.1070 of 2003 was pending before this Court and advised the petitioners to seek adjudication of title subject to outcome of the Second Appeal.

6. Learned Assistant Government Pleader for Revenue submitted that sadabainama under which respondent No.5 purchased the subject property from father of the petitioners was regularized and Form XIII-B was issued under Section 5A of ROR Act, 1971 by duly following the procedure as stipulated under the ROR Act, 1971 and consequently, the name of respondent No.5 was entered in the revenue records. She finally submitted that the action of respondent No.4 is not illegal and arbitrary and hence, the Writ Petition being devoid of any merit is liable to be dismissed.

7. Before delving into the merits of the case, it is necessary to refer to the relevant provisions of the ROR Act, 1971, as per which, a person acquiring any right as owner, pattadar, etc, shall intimate the same to the Mandal Revenue Officer (Tahsildar), upon which, the Mandal Revenue Officer is bound to amend the ROR by issuing notice to all persons whose names are entered in the record in writing and who are interested in or affected by the amendment and to any other persons whom he has reason to believe to be interested therein or affected thereby.

8. In ***Chinnam Pandurangam's*** case (cited supra), the Full Bench of the erstwhile High Court of Andhra Pradesh interpreted Section 5(3) of the ROR Act and held as hereunder:

"..If an application is made for amendment of the existing entries in the Record of Rights, the person whose name already exists in such record is entitled to contest the proposed amendment. He can do so only if a notice regarding the proposed amendment is given to him by the recording authority. An order passed against a person whose name already exist in the Record of Rights without giving him notice of the proposed amendment and effective opportunity of hearing is liable to be declared nullity on the ground of violation of the rule of audi alteram partem, which, as mentioned above, represent the most important facet of the rules of natural justice. It needs no emphasis that the rules of natural justice are applicable in all judicial and quasi-judicial proceedings. The rule of hearing is also applicable in purely administrative proceedings and actions where any public authority passes an order affecting the rights of any individual. The applicability of the rules of natural justice to purely administrative actions has been recognized by the Supreme Court in State of Orissa v. Dr. (Miss) Binapani Dei, AIR 1967 SC 1269 and has been reiterated in various judgments including those of A.K. Kraipak v. Union of India, AIR 1970 SC 150, Maneka Gandhi v. Union of India, AIR 1978 SC 597, S.L. Kapoor v. Jagmohan, AIR 1981 SC 136, Swadeshi Cotton Mills v. Union of India, AIR 1981 SC 818 and Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180.

From the above discussion, it is clear that the requirement of issuing notice in writing to all persons whose names are entered in the Record of Rights and who are interested in or affected by the amendment is independent of the requirement of publication of notice in accordance with the second part of Section 5(3) read with Rules 19 and 5(2) of the Rules. The language of Form-VIII in which the notice is required to be published cannot control the interpretation of the substantive provision contained in Section 5(3), which, as mentioned above, casts a duty on the recording authority to issue notice in writing to all persons whose names are entered in the Record of Rights and who are interested in or affected by the proposed amendment."

9. From a reading of the afore judgment, it is clear that any order passed by the authority without serving of notice on the interested parties/affected parties is illegal on the ground of violation of *audi alterm partem,* and Rule 22(3) of the Rules clearly mandates service of notice in Form No.XI on all the interested persons.

10. A perusal of the record shows that in the appeal filed by the petitioners before respondent No.3, seeking cancellation of the pattadar passbooks issued in favour of respondent No.5 in respect of the subject property, respondent No.4 was issued notice calling upon him to be present along with the relevant documents. Thus, respondent No.4 was well aware of the fact that petitioners are interested/affected parties in the subject property, being the legal heirs of one Aluvala Sambaiah, whose is name is reflected in all the revenue records. In such a scenario, respondent No.4 is bound to issue to the petitioners, who are interested/affected parties, before effecting any amendment of the existing entries in the revenue records. But, respondent No.4 has entered the name of respondent No.5 in the revenue records without issuing any notice to the petitioners before making such alteration/change, therefore, respondent No.4 has acted in a manner which is in clear violation of Section 4 of the ROR Act, 1971 and the ratio

laid down in ***Chinnam Pandurangam*** (cited supra) and hence, the said action is illegal and arbitrary and cannot be sustained.

11. For the foregoing reasons, the Writ Petition is allowed and the entry of the name of respondent No.5 in the revenue records is set aside and the matter is remanded back to respondent No.4, with a direction to issue notice to the petitioners and all other affected parties, if any, afford them an opportunity of hearing, adjudicate the matter afresh and then pass appropriate orders as per the provisions of the ROR Act, 1971. Respondent No.4 shall complete the entire exercise within a period of three (03) months from the date of receipt of a copy of this order. There shall be no order as to costs.

12. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

SD/- M. OSMAN ALI BAIG
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, The State of Telangana, Department of Revenue, Secretariat, Hyderabad.
2. The District Collector, Warangal (Urban) District O/o the District Collector Warangal (Urban) District Warangal
3. The Revenue Divisional Officer, Warangal, Warangal (Urban) District
4. The Tahsildar, Kazipet, Warangal (Urban) District
5. One CC to SRI S. LAKSHMI KANTH, Advocate [OPUC]
6. One CC to SRI PAWAN KUMAR AGARWAL, Advocate [OPUC]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad [OUT]
8. Two CD Copies

BN

HIGH COURT

DATED: 30/03/2026

ORDER

WP.No.15786 of 2020

ALLOWING THE WRIT PETITION
WITHOUT COSTS

11 copies
22/4/26