

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

MONDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION NO: 1424 OF 2011

Between:

Ramgari Sathi Reddy, S/o. Late Veera Reddy, Occ: Agriculture R/o. Gundla Pochampally Village, Medchal Mandal, Ranga Reddy District.

...PETITIONER

AND

1. The Government of Andhra Pradesh represented by its Secretary, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District, Lakdikapul, Hyderabad.
3. The Joint Collector-I, Ranga Reddy District, Lakdikapul, Hyderabad.
4. The Special Grade Deputy Collector &, Revenue Divisional Officer Ranga Reddy East Division.
5. The Tahsildar [Mandal Revenue Officer], Medchal Mandal, Ranga Reddy District.
6. The Mandal Revenue Inspector, Medchal Mandal, Ranga Reddy District.
7. Sri Ramgari Narasimha Reddy, S/o. Late Rama Chandra Reddy, Agriculture R/o. Gundla Pochampally Village, Medchal Mandal, Ranga Reddy District, Reptd. by his G.P.A. Holder, Sri B. Malla Reddy, S/o. Chandra Reddy, Age 56 years, Occ: Agriculture R/o. Gundla Pochampally Village, Medchal Mandal, Ranga Reddy District.
8. Sri Ramgari Malla Reddy, S/o. Late Rama Chandra Reddy Agriculture R/o. Gundla Pochampally Village, Medchal Mandal, Ranga Reddy District, Reptd. by his G.P.A. Holder, Sri B. Malla Reddy, S/o. Chandra Reddy, Age 56 years, Occ: Agriculture R/o. Gundla Pochampally Village, Medchal Mandal, Ranga Reddy 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 a Writ of Certiorari or any other appropriate writ, order or

direction, calling for the records pertaining to the order passed by the Special Grade Deputy Collector and Revenue Divisional Officer, Ranga Reddy East Division, 4th respondent herein in Case No. A2/237/2008 dated 03-01-2009 and the order passed by the Joint Collector - I, Ranga Reddy District, 3rd respondent herein in the order in Case No. D5/1097/2009 dated 17-03-2010 and set aside the same and consequently order restoration of the orders of the Tahsildar (Mandal Revenue Officer), Medchal Mandal, Ranga Reddy District, 5th Respondent herein in File No. B/1828/2006 dated 04-05-2006.

I.A. NO: 1 OF 2011(WPMP. NO: 1739 OF 2011)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the order passed by the Special Grade Deputy Collector & Revenue Divisional Officer, Ranga Reddy East Division, 4th respondent herein in Case No. A2/237/2008 dated 03-01-2009 as confirmed by the Joint Collector - I, Ranga Reddy District, 3rd respondent herein in the order in Case No. D5/1097/2009 dated 17-03-2010, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI P. DURGA PRASAD

Counsel for the Respondent Nos.1 to 6: AGP FOR REVENUE

Counsel for the Respondent Nos.7 and 8:-----

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION No.1424 OF 2011

ORDER:

The present writ petition is filed by the petitioner challenging the order passed by the Special Grade Deputy Collector and Revenue Divisional Officer, Ranga Reddy District East Division (4th respondent) in case No.A2/237/2008 dated 03.01.2009 which was confirmed by the Joint Collector-I, Ranga Reddy District (3rd respondent) in case No.D5/1097/2009 dated 17.03.2010.

2. The petitioner seeks to quash these orders and consequently restore the Pachamama (site inspection report) drawn by the Mandal Revenue Officer (5th respondent) in file No. B/1828/2006 dated 04.05.2006 regarding the property in Sy.No.206 of Gundla Pochampally Village, Medchal Mandal, Ranga Reddy District.

BRIEF FACTS:

3. Shorn of unnecessary details, facts in brief leading to the filing of the present writ petition are as follows:

3.1 The petitioner claims an extent of 1 Acre 9 ½ guntas in Sy.No.206 of Gundla Pochampally Village, Medchal Mandal, Ranga Reddy District as his share, based on ancestral partition between the families of the original recorded pattadar Sri Ramgari Malla Reddy and the original pattadar's brother Chandra Reddy. The petitioner claims that after the death of recorded pattadar, Sri Malla Reddy and

Sri Chandra Reddy, their sons Sri Ramachandra Reddy and Sri Veera Reddy mutually agreed to cultivate the land in equal shares. Accordingly, Sri Ramachandra Reddy cultivated an extent of Ac.1.09½ guntas and Sri Veera Reddy cultivated an equal extent of Ac.1.09½ guntas. Both brothers continued such separate possession and cultivation during their lifetimes. The pahani patrikas reflected this arrangement for several years; however, due to wrong entries made by the Village Patwari, discrepancies subsequently appeared in the records.

3.2 The petitioner approached the Tahsildar (Mandal Revenue Officer) Medchal Mandal, upon discovering the discrepancies as regards the entries in the revenue records, in the year 2006.

3.3 The Tahsildar ordered that a panchanama (site inspection) to be conducted and accordingly the Mandal Revenue Inspector conducted a panchanama in File No.B/1828/06 dated 04.05.2006.

3.4 The GPA Holder of respondent Nos.7 & 8, one Sri Malla Reddy, as one of the panch witness in the said panchanama spoke about the petitioner's possession and enjoyment and entitlement to the said property.

3.5 However, the said General Power of Attorney from the respondent Nos.7 and 8 changed his stand for wrongful gain and obtained an agreement of sale-cum-General Power of Attorney from the respondent Nos. 7 & 8 and appealed against panchanama in File

No.B/1828/06 dated 04.05.2006 before the Special Grade Deputy Collector and Revenue Divisional Officer Ranga Reddy East Division challenging the panchanama.

3.6 The Revenue Divisional officer by virtue of an order dated 03.01.2009 in Case No.A2/237/2008 (P2) set aside the panchanama. The Revenue Divisional Officer noted that there were no orders of the MRO and the appeal was preferred against the panchanama; that the MRO had changed the entries in the revenue records based on the panchanama; that conducting such panchanama was beyond the competence of revenue authorities; and the dispute involved complex questions of title and set aside the panchanama and directed the parties to approach the competent Civil Court to get their rights adjudicated.

3.7 The petitioner aggrieved by the order of the Revenue Divisional Officer filed a revision before the Joint Collector-I, Ranga Reddy District which was disposed off by the Joint Collector *vide* order dated 17.03.2010 in Case No. D5/1097/2009 (P1) wherein the Joint Collector confirmed the order of the RDO and held that the matter involved a dispute of title and that such question can only be decided by a Civil Court.

3.8 The Learned counsel for petitioner made submissions in line with the averments made in the affidavit in support of the writ petition. The learned Assistant Government Pleader supported the

order of the RDO which was confirmed by the Joint Collector and submitted that as held by the Joint Collector any power exercised by any statutory authority must be traceable to the statute and that no such powers of ordering a panchanama were available to the MRO under the Act.

ISSUE FOR DETERMINATION:

4. The issue that arises for consideration in the present case is whether this Court in exercise of its jurisdiction under Article 226 of the Constitution of India has power to intervene in the matter where concurrent findings of the Appellate and Revisional Revenue Authorities relegated the parties to establish their disputed title before the competent Civil Court.

LEGAL ANALYSIS:

5. This Court finds that the writ petition is not the appropriate remedy, in matters of the nature as involved in the present case. The dispute raised by the petitioner is not one for the correction of clerical entry but is essentially a claim for declaration of title based on disputed questions of inheritance, relationship and other factual issues. This Court is of the considered view that the present matter involves questions with regard to title, possession and enjoyment of property, which are issues triable exclusively by the competent Civil Court and not by the revenue authorities under the limited scope of

Andhra Pradesh record of Rights in Land and Pattadar Pass Books Act, 1971 (hereafter 'Act, 1971' for brevity).

6. It is trite law that the issues of title, more particularly where complex factual issues are involved, can only be conclusively determined by a decree passed by the competent Civil Court.

7. The petitioner in the present case has already filed a Suit *vide* O.S.No.1086 of 2007 on the file of I Additional District Judge, Ranga Reddy District, L.B.Nagar seeking a declaration that he is the owner and pattadar of the subject property and for consequential relief of perpetual injunction. The petitioner already having approached the Civil Court which is the appropriate forum legally equipped and competent to adjudicate such disputes of title, cannot for the very same relief of declaration of title approach the revenue authorities. Further, the exercise undertaken by the Tahsildar (Mandal Revenue Officer) in ordering a panchanama as a collateral remedy to confirm the entitlement and possession of the petitioner is *ultra vires* the scope of the Act, 1971.

8. The underlying subject matter is certainly not within the jurisdiction of this Court under Article 226 of Constitution of India. Entertaining such writ petition would violate the well-established principles, that the discretionary remedy of a writ petition is apposite and appropriate only in the matters, if an efficacious alternative remedy is unavailable. In the present case, the petitioner having

already invoked the jurisdiction of the competent Civil Court seeking a declaration of title cannot be allowed to pursue two parallel remedies, one before the Civil Court and other before the Revenue authorities, essentially for the same relief.

9. The action of the Revenue Divisional Officer in setting aside the panchanama dated 04.05.2006 of the Tahsildar and directing the parties to approach the competent civil Court was legally sound and proper, and thus, the appellate order of the Revenue Divisional Officer setting aside the panchanama of the Tahsildar (Mandal Revenue Officer) cannot be classified as arbitrary or perverse.

10. The appellate Revenue authority i.e., Revenue Divisional Officer and the Revisional Revenue authority i.e., Joint Collector have rightly held that the Tahsildar (Mandal Revenue Officer) had exceeded his jurisdiction in attempting to decide complex disputed questions of title based merely on a summary panchanama, the drawing up of which is not even provided in the statute. For the said reason, this Court finds that the Appellate authority (RDO) has rightly set aside the panchanama; and the order of the Appellate authority was rightly confirmed by the Revisional authority. The order of the RDO was rightly issued by directing the parties to the appropriate forum namely the competent Civil Court is apposite in view of the facts and circumstances of the case.

11. Further, it is to be noted that the impugned orders of the RDO and the Joint Collector have rightly emphasized that entries in the revenue records cannot be altered on the basis of panchanamas, conducted without adherence to due process of law. The panchanama, which is not provided for in the Act as a ground for modification/ alteration of revenue entries, and more particularly like the panchanama in the present case, which was undertaken without adherence to the basic tenets of natural justice like prior notice, does not by itself confer any legal right or title, as is sought to be portrayed by the petitioner.

12. Upon perusal of the material on record, it is evident that the petitioner 'approached' the Mandal Revenue Officer (MRO) requesting that a panchanama be conducted in respect of the disputed property. It is also manifest from the absence of any formal application or even the reference to any such application in the entire record, that the petitioner did not file any formal application seeking such action. As a matter of fact, no such provision or procedure is available under the Act. It is equally significant that there is no order/instructions in writing available or adverted to in the entire record whereunder the MRO directed the MRI to conduct a panchanama.

13. It is pertinent to observe that the power to conduct a panchanama is not traceable to any statutory provision under the relevant Revenue Laws or the Rules framed thereunder. The Mandal Revenue Officer, being a statutory authority, is bound to act strictly

within the limits of the powers conferred upon him by law. In the absence of any specific statutory provision authorizing the MRO to undertake such an exercise, any act of conducting a panchanama, either *suo motu* or at the behest of a private individual, would be without jurisdiction and liable to be treated as a nullity in the eye of law.

14. It is well settled that administrative or quasi-judicial authorities cannot assume powers that are not expressly conferred upon them by statute. The conferment of power must be explicit, and in its absence, no authority can act on equitable or discretionary considerations. Therefore, the action sought by the petitioner cannot be sustained merely on the ground of convenience or factual verification, as such power has neither been delegated nor can be implied under the relevant provisions of the Act or allied enactments. It is equally well-settled that even in matters where such power is available in the statute; the power is to be exercised only complying with the Principles of Natural Justice, like prior notice to the concerned.

15. It is to be noted that, a writ of Certiorari lies to correct an error of jurisdiction or an error apparent on the face of record. However, in the present case no such error exists or has been pointed out from the impugned orders. On the contrary, the orders of the Appellate and the Revisional authority uphold the rule of law by reserving questions of title for the competent Civil Court, and refraining from interfering

with the matters which involve complex questions of fact and devolution of title.

16. It will not be out of the context to note that during the arguments the petitioner himself argued that the order of the Revenue authorities would impact the outcome of the Civil suit, and by the same analogy, any order passed by this Court restoring the panachanama of the Tahsildar (Mandal Revenue Officer) would also seriously prejudice the pending civil suit in which the parties are arrayed and where comprehensive evidence necessary for the adjudication of the title would be led. The petitioner's claim rests squarely on the disputed question of private title which is a subject matter of the pending Civil Suit instituted by the petitioner himself and considering the limited jurisdiction of this Court under Article 226 of the Constitution of India, this Court finds no ground to interfere with the well reasoned orders of the Revenue Divisional Officer and the Joint Collector.

17. In the view of the foregoing discussion, this Court is of the view that the Appellate and Revisional authorities have rightly set aside the panchanama and directed the petitioner to work out his remedies before the Civil Court. The writ petition lacks merits and is liable to be dismissed.

18. Accordingly, the Writ Petition is dismissed. Any observations made by this Court in this writ petition shall not bind the Civil Court

which shall adjudicate the issue of title independently and on its own merits, on the basis of evidence adduced before it. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to Sri P. Durga Prasad, Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court for the State of Telangana, at Hyderabad [OUT]
3. Two CD Copies

T J/MP

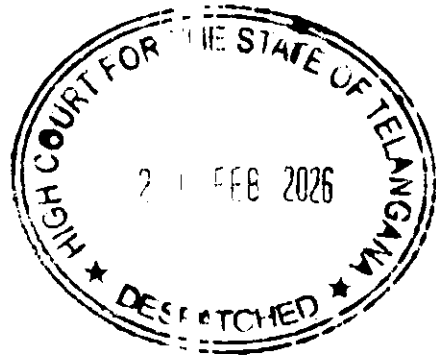


HIGH COURT

DATED:27/10/2025

ORDER

WP.No.1424 of 2011



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

⑥
04/02/26
V.B.