

[3484]

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

**FRIDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION NOS: 1434 OF 2004 & 23738 OF 2022

W.P.No.1434 OF 2004

Between:

1. Smt. Bommaraju Pushpa Devi, W/o.B.Sathaiah, Occ Cultivation, R/o. H.No. 1-42, Turkamjzal (V), Hyathnagar Mandal, R.R. District.
2. Bommaraju Sathaiah, S/o. late Somaiah @ B. Ramaswamy, R/o. H.No. 1-42, Turkamjzal (V), Hyathnagar Mandal, R.R. District.

...PETITIONER

AND

1. B. Yadaiah, S/o.Samaiah, Occ: Police Constable, HC No.2114, R/o. H.No. 1-5-19/2, Bheem Rao Nagar, Alwal-10, R.R. Dist.
 2. B. Shankeraiah, (Died as per LRs RR10to14)
 3. V. Maruthi, S/o. not Known, Occ Village Administrative Officer, Turkamzal Village, Hyathnagar Mandal, R.R. District.
 4. Mandal Revenue Officer, Hyathnagar Mandal, R.R. District.
 5. Revenue Divisional Officer, Eastern Division, R.R. Dist. Malakunta, Hyderabad.
 6. Joint Collector, R.R. District, Lakadikapool, Hyderabad.
 7. State of Telangana. (the then Government of Andhra Pradesh), Rep. by its Chief Secretary, Secretariat Buildings, Hyderabad.
- (R7 is impleaded as per C.O. dt. 19/2/2015 in WPMP No. 3456/2015)

08. Smt. Nandagiri Pushpamma,

W/o. Late Bixapati Goud, Aged about 64 years, Occ. Agriculture,,
R/o. H.No.2-93, Patiguda Village, Turkayamzal Municipality,
Abdullapurmet Mandal, Ranga Reddy District, T.S

09. Sri. Nandagiri Das Goud,

S/o. Late. Papaiah Goud, Aged about 60 years, Occ. Toddy Topper,
R/o. H.No. 2-95, Patiguda Village, Turkayamzal Municipality,
Abdullapurmet Mandal, Ranga Reddy District, T.S

**Respondent nos.8 and 9 are impleaded as per C.O.dt.20.02.2026
in IA No.2/2024 (WP No.1434/2004).**

10. Bommaraju Laxmi @ Lakshmi

W/o. Late Bommaraju Shanker, Age 60 years, H.No. 2-75. Sri Sri Nagar
Colony, Kammaguda, Abdullapurmet Mandal, Ranga Reddy District.

11. Bommaraju Ashok

S/o: Late Bommaraju Shanker, Age: 44 years, H.No. 2-75/1. Sri Sri Nagar
Colony, Kammaguda, Abdullapurmet Mandal, Ranga Reddy District.

12. Bommaraju Jagadish,

S/o Late Bommaraju Shanker, Age 37 years, H.No. 2-73, Sri Sri Nagar
Colony, Kammaguda, Abdullapurmet Mandal, Ranga Reddy District.

13. Bommaraju Jeevan Kumar,

S/o Late Bommaraju Shanker, Age: 32 years, H.No. 2-75. Sri Sri Nagar
Colony, Opp: SBI Bank and Andhra Bank, Kammaguda Turka Yamjal X
Raod, Abdullapurmet Mandal, Ranga Reddy District.

14. Jananeela Sony,

W/o Jananela Narsimha, Age: 34 years, H.No. 2-75, Sri Sri Nagar Colony,
Kammaguda, Abdullapurmet Mandal, Ranga Reddy District.

**Respondent nos. 10 to 14 are brought on record as LR's of the
deceased Respondent no.2 as per C.O.dt.20.02.2026 in IA
No.1/2025 (WP No./1434 of 2004).**

...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 pass orders, directions or writ in the nature of Writ of Mandamus declaring that the impugned order passed by the Appellate Authority illegal and unconstitutional and allow the Writ Petition by setting aside the orders of the Joint collector, R.R. District, dated 16.7.2001, in Inam Appeal File No. F1/8571/98 by allowing the writ petition.

I.A. NO: 1 OF 2010(WPMP. NO: 41325 OF 2010)

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 receive the documents as Additional Material Papers in the W.P. No. 1434 of 2004.

I.A. NO: 1 OF 2004(WPMP. NO: 1870 OF 2004)

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 pass order suspending the operation of the orders dated 16.7.2001 passed in Inam Appeal File No. F1/8571/98 till the final disposal of the final of the revision petition and to pass such other orders to meet the ends of justice.

IA NO: 3 OF 2024

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 receive the Documents filed herein as per enclosed Running Index herein as "Additional Material Papers" in the above Writ petition No. 1434 of 2004.

Counsel for the Petitioner : SRI A.GIRIDHAR RAO

Counsel for the Respondents No.1,8to14 : SRI N.NAVEEN KUMAR

**Counsel for the Respondents No.3,4to7: SRI MURALIDHAR REDDY KATRAM,
GP FOR REVENUE**

W.P.No.23738 OF 2022

Between:

Bommaraju Pushpa Devi, W/o Bommaraju Sathaiah, Aged about 63 Years, Occ. Farmer Resident of H.No.1-42, Turkayamjal Village, Abdulapurmet Mandal, Ranga Reddy District

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad
2. The District Collector, Ranga Reddy District, Lakdi-Ka-Pool Hyderabad
3. The Chief Commissioner, Land Administration, Represented by its Secretary, At Abids, Hyderabad, Telangana State,
4. The Revenue Divisional Officer, Ibrahimpatnam Division, Turkayamjal Village, Ranga Reddy District
5. The Tahsildar,, Abdullapurmet Mandal, Ranga Reddy District
6. Bommaraju Sattaiah, S/o Bagaiah, Resident of H.No.2-111, Sri Sri Nagar Colony, Kammaguda Village, Turkayamjal Municipality, Abdullapurmet Mandal, Ranga Reddy District, Telangana State
7. Smt. Bommaraju Sugunamma, W/o late Danaiah, Aged about 51 years, Occ. Housewife, Resident of H.No.5-5-212/23, Indira Nagar Colony, Vanasthalipuram, L.B.Nagar, Ranga Reddy District, Telangana state

...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, order or direction more particularly one in the nature of Writ of Certiorari, declaring the action of the Respondents in issuing Proceedings Letter No.D1/622/2022 dated. 28/04/2022 and also issuing a pattadar pass book bearing Nos.T05010180989 with Katha No.60316 and e-pattadar pass book No. T05010180990 with Katha No.60317 issued in favour of the Respondent Nos. 6 and 7 is totally, arbitrary, irregular, illegal and against the Telangana Rights in Land and Pattadar Pass Books Act, 2020 i.e., Act 9/2020 and consequently set aside the same.

IA NO: 2 OF 2022

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 suspend the Impugned Proceedings issued by the 2nd respondent vide Letter No.D1/622/2022 dated:28/04/2022 by removing the names of Respondent Nos. 6 and 7 in the revenue records and in Dharani Portal and restoring the petitioner's name in the revenue records in the Dharani Portal in respect of Ac.0.03 guntas each in Sy.No.358/AA situated at Turkayamjal Village, Abdullapurmet Mandal, Ranga Reddy District, pending disposal of the Writ Petition.

Counsel for the Petitioner : SRI A.GIRIDHAR RAO

**Counsel for the Respondents No.1to5 : SRI MURALIDHAR REDDY KATRAM,
GP FOR REVENUE**

Counsel for the Respondents No.6&7 : SRI N.RAVI PRASAD

The Court made the following: COMMON ORDER

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

THE HON'BLE SRI JUSTICE G.M.MOHUDDIN

WRIT PETITION Nos.1434 of 2004 and 23738 of 2022

DATE: 20.02.2026

Writ Petition No.1434 of 2004

Between:

Bommaraju Pushpa Devi and another

...Petitioners

AND

B.Yadaiah and 13 others

...Respondents

Writ Petition No.23738 of 2022

Between:

Bommaraju Pushpa Devi

...Petitioner

AND

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

...Respondents

COMMON ORDER

Since the subject matter, parties involved and the issues that arise in the above Writ Petitions are integrally one and the same, these matters are being disposed of by this common order.

2. W.P.No.1434 of 2004, is filed under Article 226 of the Constitution of India, with the following prayer:-

".....may be pleased to pass orders, directions or writ in the nature of writ of mandamus declaring that the impugned order passed by the Appellate Authority illegal and unconstitutional and allow the writ petition by setting aside the orders of the Joint Collector, R.R. District, dated 16-7-2001 in Inam Appeal, File No. F1/8571/98 by allowing the writ petition and to pass such other order or orders to meet the ends of justice.

3. W.P.No.23738 of 2022, is filed under Article 226 of the Constitution of India, with the following prayer:-

".....may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari, declaring the action of the Respondents in issuing Proceedings Letter No.D1/622/2022 dated:28.04.2022 and also issuing e-pattadar pass book bearing Nos. T05010180989 with Katha No.60316 and e-pattadar pass book No. T05010180990 with Katha No.60317 issued in favour of the Respondent Nos. 6 and 7 is totally, arbitrary, irregular, illegal and against the Telangana Rights in Land and Pattadar Pass Books Act, 2020 i.e., Act 9/2020 and consequently set aside the same and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

4. The 1st petitioner (wife of 2nd petitioner in W.P.No.1434 of 2004) in both the writ petitions is one and the same.
5. Respondent Nos.1 and 2 in W.P.No.1434 of 2004 are appellants in Proceedings No.F1/8571/98 dated 16.07.2001.

6. Respondent Nos.1 and 2 in W.P.No.1434 of 2004 and respondent Nos.6 and 7 in W.P.No.23738 of 2022 are hereinafter referred as 'rival claimants'.

7. Heard Sri Giridhar Rao, learned counsel for the petitioners in both the writ petitions and Sri N.Naveen Kumar, learned counsel for respondent No.1, 10 to 14 and Sri K.Muralidhar Reddy, learned Government Pleader for Revenue for respondent Nos.3, 4 to 7 in W.P.No.1434 of 2004 and respondent Nos.1 to 5 in W.P.No.23738 of 2022, Sri N.Ravi Prasad, learned counsel for respondent Nos.6 and 7 and perused the record.

Chronology of the litigation

8. The present writ petitions, though instituted nearly two decades apart, emanate from a common dispute regarding the agricultural land admeasuring Ac.0-32½ Gts in Sy No.358 of Turkayamjal Village, Hayathnagar Mandal (presently Abdullapurmet Mandal), Ranga Reddy District. What commenced as an intra-family disagreement between brothers in respect of ancestral Inam land has, over the years, escalated into protracted and multifarious litigation.

9. W.P.No.1434 of 2004, instituted in the year 2004, calls in question the proceedings of the Joint Collector, Ranga Reddy District, dated 16.07.2001 in Inam Appeal File No.F1/8571/98, whereby the order granting Occupancy Rights Certificate (ORC) in favour of the 1st petitioner was set aside and a direction was issued to grant ORC jointly in favour of the 2nd petitioner and respondent Nos.1 and 2, each with equal shares.

10. W.P.No.23738 of 2022, filed almost two decades thereafter, assails the implementation of an ORC granted in the year 2008 in favour of respondent Nos.6 and 7 therein, who assert independent rights over extents of Ac.0-03 Gts each in the very same Sy No.358. The said writ petition arises out of and in furtherance of the implementation of the order passed by this Court in W.P.No.11907 of 2021.

Factual matrix (in brief)

11. The Subject land admeasuring Ac.1-25 Gts in Sy No.358 of Turkayamjal Village, is undisputedly a 'Chakali Vandla Bavi' Chowtha Inam land governed by the provisions of the A.P. (Telangana Area) Abolition of Inams Act, 1955 (for short 'Inams Act'). The record indicates that the original Inamdars were Devarakonda

Bhoomaiah, Devarakonda Kistaiah and Devarakonda Sayanna, each holding an undivided 1/3rd share.

12. The present dispute concerns the branch of Devarakonda Kistaiah. According to respondent Nos.1 and 2 in W.P.No.1434 of 2004, their father Late B. Rama Swamy was the Inamdar/co-sharer and, upon his demise on 08.10.1972, his sons namely, B. Sattaiah (2nd petitioner in W.P.No.1434 of 2004) and the respondent Nos.1 and 2 i.e., B. Yadaiah and B. Shankaraiah continued in joint possession and cultivation, their names were reflected as such in the revenue records.

13. The petitioners assert that the 2nd petitioner is the son of Late B. Samaiah and not of Late B. Rama Swamy, and that both individuals are two entirely different persons. It is the case of the petitioners that after separation from his brothers respondent Nos.1 and 2 in W.P.No.1434 of 2004, the 2nd petitioner independently purchased Ac.0-32½ Gts out of Sy.No.358 through a registered sale deeds from private individuals in 1980-81 utilizing the jewellery of the 1st petitioner and subsequently executed an unregistered gift deed dated 05.11.1981 in favour of the 1st petitioner. The rival claims thus turn substantially on identity of lineage, nature of acquisition of rights, possession and entitlement under the Act.

14. Following amendments to the Rules framed under the Inams Act and the conduct of special drives for identification of eligible occupants, the 1st petitioner applied for grant of occupancy rights based on her claim of possession through the gift deed. The Revenue Divisional Officer (RDO), by proceedings dated 09.03.1998 in File No.J/8738/97, granted an ORC in her favour and consequential pattadar pass book was issued.

15. Aggrieved thereby, respondent Nos.1 and 2 preferred an appeal under Section 24 of the Act before the Joint Collector, Ranga Reddy District, in Appeal No.F1/8571/98. By order dated 16.07.2001, the Joint Collector allowed the appeal, set aside the ORC granted to the 1st petitioner and held that the legal heirs of Late Rama Swamy, namely B. Yadaiah, B. Shankaraiah and B. Sattaiah were entitled to occupancy rights in equal shares in respect of Ac.0-32½ Gts in Sy.No.358, having regard to the revenue entries reflecting their joint possession. The relevant portion of the order reads as follows:

'On perusal of the pahanies for the years 1977-78 it is seen that the land bearing Sy.No.358 admeasuring Ac.1-25 guntas is classified as "Chakali Vandla Bavi Chowtha Inam and the names of Durgaiah, Ramaswamy and Aagaiah are recorded as Inamdars and the names of Duraiah, Ramaswamy, Mysaiah and Rangaiah are recorded as possessors. In the pahani for the year 1981-82 the name of Chalkali Aagaiah, Chakali Ramaswamy and Chakali Durgaiah recorded as Inamdars. In the pahani for the year 1987-88 the names of Bommaraju Sataiah, Shankaraiah and Yadaiah sons of Ramaswamy are shown as

possessors to the extent of 3/4th share in Sy.No.358. The names of Durgaiah, Jangaiah, Yadaiah and Rangaiah are also recorded as possessors against Sy.No.358. In the pahani for the year 1989-90 the name of Bommaraju Sathaiah, Shankaraiah and Yadaiah sons of Ramaswamy have been recorded as possessors against Sy. No.358. It is seen from the entries in the Revenue Records that Ramaswamy was one of the Inamdars in respect of Sy.No.358 situated at Turka, injal Village, Hayathnagar Mandal. The name of Ramaswamy, father of the appellants and respondent No.2 is recorded as Inamdar against Sy. No.358 right from the year 1955-56 to 1957-58 (Seshala Pahani) onwards

The contention of the Counsel for Respondents that the father of the appellants and Respondent No.2 did not have any agricultural lands is totally un-believable in view of the fact that the name of Ramaswamy is recorded as inamdar in the revenue records. The names of the appellants and Respondent No.2 have been shown as possessors in the pahanies against Sy.No.358. Therefore, the contention of the Respondent No.2 that it is a self acquired property is totally baseless and the Respondent No.2 has created a sale transaction on a plain paper and also a Gift deed which is un-registered only to deprive the appellants their legitimate rights in the property held by their father as inamdar. The Gift Deed which is un-registered is in-valid in the eye of Law and has been created only to transfer the said property in favour of Respondent No.1 who is the wife of Respondent No.2. Therefore, this Court is of the view that the appellants and as well as Respondent No.2 who are the legal heirs of Late Ramaswamy are entitled for grant of Occupancy Rights in respect of Sy. No.358 to an extent of 0-32½ guntas situated at Turka, injal Village, Hayathnagar Mandal.

In the result the appeal is allowed and the orders of the Revenue Divisional Officer, dt.9.3.1998 passed in file No.J/8738/97 are set aside and the Revenue Divisional Officer, RR East Division shall issue occupancy Rights Certificate in favour of the appellants namely 1) Bommaraju Yadaiah S/o.Late V.Ramaswamy, 2) Bommaraju Shankaraiah S/o. Late B.Ramaswamy and as well as Respondent No.2 named Bommaraju Sathaish S/o. Late B.Ramaswamy with equal shares.

16. Pursuant to the said appellate order, the RDO issued a fresh ORC dated 16.06.2003 in File No.J/1917/2003 in favour of the three brothers, and the Mandal Revenue Officer (MRO) implemented the same in the revenue records and issued pattadar pass books and title deeds in their respective names.

17. The petitioners initially filed C.R.P.No.3929 of 2001 before the erstwhile High Court of Andhra Pradesh against the order of the Joint Collector dated 16.07.2001. By order dated 23.12.2003, the revision was dismissed as not maintainable, holding that no revision lies against an order passed under Section 24 of the Act and granting liberty to pursue appropriate remedy.

18. Thereafter, W.P.No.1434 of 2004 was instituted challenging the order of the Joint Collector dated 16.07.2001. During its pendency, ancillary proceedings ensued, including criminal proceedings arising out of allegations of fabrication of school records pertaining to paternity, culminating in filing of a charge sheet in C.C.No.09 of 2017 on the file of the IV Metropolitan Magistrate, Ibrahimpatnam.

19. Certain third parties, claiming independent title under a registered sale deed dated 10.03.1988 and consequential occupancy rights, also sought impleadment in the said writ proceedings asserting that they had acquired portions of land in Sy.No.358 and obtained ORCs and pattadar pass books in their favour. Multiple interlocutory applications were filed by both sides placing additional documents and seeking amendments, thereby prolonging adjudication.

20. While matters stood thus, respondent Nos.6 and 7 in W.P.No.23738 of 2022 were granted ORCs by the RDO on 24.12.2008 in Proceedings No.J/2819/2008 for Ac.0-03 Gts each in Sy.No.358/AA. Consequential pattadar pass books were issued to them in the year 2009. These grants were made subsequent to the appellate order dated 16.07.2001 and during the pendency of W.P.No.1434 of 2004.

21. With the introduction of the Dharani portal and issuance of e-pattadar pass books, respondent Nos.6 and 7 approached the authorities seeking mutation and issuance of updated electronic pass books. As their request was not processed, they filed W.P.No.11907 of 2021 before this Court. By order dated 16.06.2021, this Court observed that pattadar pass books cannot precede mutation in revenue records and directed the petitioners therein to upload requisite documents on the Dharani portal for consideration by the District Collector in accordance with law.

22. Upon subsequent administrative intervention and compliance proceedings, the District Collector issued proceedings dated 28.04.2022 and the Tahsildar issued e-pattadar pass books in favour of respondent Nos.6 and 7 for Ac.0-03 Gts each. The contempt case filed alleging non-compliance was thereafter closed.

recording compliance. Aggrieved by the issuance of these e-pass books, the present W.P.No.23738 of 2022 has been filed.

Submissions of the parties in W.P.No.1434 of 2004

On behalf of the petitioners

23. Learned counsel appearing for the petitioners assailed the order dated 16.07.2001 passed by the Joint Collector in Appeal No.F1/8571/98 and advanced the following submissions:

- i) That the 2nd petitioner had purchased the subject extent of Ac.0-32½ Gts in Sy.No.358 during the years 1980-81 from the erstwhile possessors, namely Bagaiah, Ramulu, Pentaiah, Ettayya and Maisaiah, for valid sale consideration. Though the sale deeds were unregistered, it is urged that possession was delivered pursuant thereto.
- ii) That in view of the financial contribution made by his wife, the 2nd petitioner executed an unregistered gift deed dated 05.11.1981 in favour of the 1st petitioner, who has since been in exclusive possession and enjoyment of the land.
- iii) That the 2nd petitioner is the son of Late B. Samaiah, S/o. Agaiah, and not the son of Late B. Rama Swamy, S/o. Narsaiah. According to the petitioners, the respondents

have deliberately conflated two distinct individuals in order to project a false claim of joint family entitlement.

- iv) That respondent Nos.1 and 2, having allegedly separated in the year 1972, preferred the appeal before the Joint Collector only in 1998, after an inordinate lapse of time.
- v) That the Joint Collector proceeded to set aside the ORC granted to the 1st petitioner without affording proper notice and opportunity, and relied upon pahanies allegedly produced belatedly and without verification.
- vi) That the Joint Collector exceeded the limited jurisdiction under Section 24 of the Inams Act by embarking upon questions of title and partition, which fall exclusively within the domain of civil Courts. According to the petitioners, entitlement to occupancy is related to actual possession as on the crucial/relevant date and not on the basis of succession or inheritance.

On behalf of respondent Nos.1 and 2

24. Learned counsel for respondent Nos.1 and 2, supported the impugned order and submitted as under:

- i) That the land is ancestral Inam land and that revenue records, including pahanies from 1955-56 onwards, consistently reflect

the name of Late B. Rama Swamy as one of the Inamdars/possessors. After his demise in 1972, the names of his sons, B. Sattaiah, B. Yadaiah and B. Shankaraiah, were recorded as joint possessors and cultivators, which conclusively establish joint family possession.

- ii) That the alleged unregistered sale deeds and gift deed set up by the petitioners are fabricated and legally unenforceable. The purported vendors were never shown in revenue records as Inamdars or possessors. Further, once the Inam vested in the State under the Act, no private transaction could confer valid title without statutory recognition.
- iii) That the petitioners have taken inconsistent stands regarding the identity of the 2nd petitioner's father in the affidavit and reply affidavit, thereby undermining their credibility.
- iv) That there exists *prima facie* material indicating manipulation of records, on the basis of criminal proceedings initiated on allegations of fabrication of school records, culminating in filing of a charge sheet in C.C.No.09 of 2017.
- v) That the Joint Collector's order, passed upon detailed examination of the revenue records, has been implemented and fresh ORCs and pattadar pass books have been issued. The settled position, having remained undisturbed for over two

decades, ought not to be unsettled in exercise of discretionary jurisdiction under Article 226 of the Constitution.

- vi) That the writ petition involves seriously disputed questions of fact relating to genealogy, title and possession which cannot be adjudicated in writ proceedings.

On behalf of proposed respondent Nos.8 and 9

25. Learned counsel appearing for the proposed respondent Nos.8 and 9, submitted that his clients are *bona fide* purchasers of a portion of land in Sy.No.358 under a registered sale deed dated 10.03.1988. It is contended that they have subsequently obtained occupancy rights and pattadar pass books in their favour and are in settled possession. Any adjudication in the present writ petition, according to them, would directly affect their proprietary rights and, therefore, their impleadment is necessary for complete and effective adjudication.

Submissions of the parties in W.P.No.23738 OF 2022

On behalf of the petitioner

26. Learned counsel for the petitioner assailed the issuance of e-pattadar pass books in favour of respondent Nos.5 and 7 and submitted as under:

- i) That the impugned action of the revenue authorities in issuing e-pass books was taken without issuing notice to the petitioner, despite the pendency of W.P.No.1434 of 2004 and the subsisting dispute concerning Sy.No.358, thereby violating principles of natural justice.
- ii) That the ORC granted in 2008 in favour of respondent Nos.6 and 7 was obtained by suppressing material facts, particularly the alleged prior sale in favour of the petitioner's husband in 1980. It is asserted that respondent No.6 and the husband of respondent No.7 were signatories to the earlier transaction and were fully aware of it.
- iii) That the grant of ORC in 2008, during the pendency of W.P.No.1434 of 2004, is hit by the doctrine of *lis pendens* and the authorities ought to have awaited the outcome of the pending litigation.
- iv) That in W.P.No.11907 of 2021 this Court had observed that pattadar pass books cannot be issued in the absence of mutation in revenue records; yet, under the guise of compliance in contempt proceedings, the authorities mechanically implemented the ORC without proper verification.

- v) That the petitioner's detailed representations to the authorities were not considered before issuance of the impugned e-pass books.

On behalf of respondent Nos.6 and 7

27. Learned counsel for respondent Nos.6 and 7 (Bommaraju Sattaiah and Bommaraju Sugunamma), has submitted as under:

- i) That respondent Nos.6 and 7 possess independent title on the basis of ORC granted on 24.12.2008, which has neither been challenged in appropriate proceedings nor set aside and has attained finality.
- ii) That the issuance of e-pattadar pass books was in compliance with the directions issued by this Court in W.P.No.11907 of 2021 and subsequent administrative instructions. The present writ petition amounts to a collateral attack on the implementation of a judicial order.
- iii) That the petitioner, whose ORC was set aside in 2001, lacks *locus standi* to object to implementation of a valid ORC granted to third parties.
- iv) That respondent Nos.6 and 7 are not parties to W.P.No.1434 of 2004 and the dispute therein pertains to a distinct set of claims among different parties.

- v) That allegations of fraud are baseless and that the vendors had conveyed only a portion of their holding earlier, retaining the remaining extent which devolved upon their legal heirs, culminating in the grant of ORC in 2008.

On behalf of the official respondents

28. The learned Assistant Government Pleader for Revenue submitted that the authorities have acted strictly in accordance with the directions issued by this Court in W.P.No.11907 of 2021 and subsequent instructions from the competent authority. It is contended that once the technical facility for implementation of ORCs was enabled in the Dharani portal, the District Collector and Tahsildar merely implemented a subsisting and valid ORC, without adjudicating *inter se* disputes between private parties.

29. Having taken note of the respective pleadings and rival submissions urged on behalf of the parties and the material on record, the following points arise for determination.

Consideration by this Court

30. In the present case the foundation of the petitioner's claim in both writ petitions is with regard to ORC granted in her favour in 1998, which ~~was~~ set aside by the Joint Collector by order dated

16.07.2001. The challenge to that appellate order forms the subject matter of W.P.No.1434 of 2004. The subsequent issuance of e-pattadar pass books in favour of respondent Nos.6 and 7 in implementation of the 2008 ORC in the year 2022 impugned in W.P.No.23738 of 2022, is a consequential development during the pendency of the earlier writ petition. Therefore, the sustainability of the second writ petition i.e., W.P.No.23738 of 2022 is intrinsically dependent upon the outcome of the first. Therefore, this Court proceeds to examine, in the first instance, the legality and sustainability of the order dated 16.07.2001 passed by the Joint Collector.

A. Maintainability of W.P.No.1434 of 2004

31. The principal controversy in W.P.No.1434 of 2004 revolves around the following:

- i) the identity of the predecessor-in-interest;
- ii) the nature of acquisition as to whether the property is joint family Inam land or self-acquired property;
- iii) the factum of possession on the notified date under the Act; and
- iv) the validity and evidentiary worth of unregistered sale deeds and gift deed relied upon by the petitioners.

32. The aforesaid issues are quintessentially disputed questions of fact requiring detailed appreciation of oral and documentary

evidence. Determination of lineage, examination of revenue entries spanning several decades, proof of execution and consideration of unregistered documents, and adjudication of rival claims of inheritance are matters that ordinarily fall within the province of a competent civil Court.

33. It is pertinent to note that the scope of judicial review under Article 226 of the Constitution is limited to examining the decision-making process and not to re-appreciating evidence or substituting findings of fact recorded by a statutory appellate authority. The Joint Collector, while exercising appellate jurisdiction under Section 24 of the Act, has undertaken an examination of contemporaneous revenue records and recorded findings based thereon. This Court, in exercise of writ jurisdiction, cannot convert itself into a Court of first appeal on facts.

34. Further, in regard to the nature of controversies raised and the availability of an efficacious alternative remedy by way of a civil suit for declaration of title and consequential reliefs, this Court is of the considered opinion that the writ petition is not an appropriate forum for adjudication of such intricate factual disputes.

B. Legality of the Order passed by the Joint Collector

35. On perusal of the order dated 16.07.2001, it is relevant to note that the Joint Collector has adverted to certified copies of pahanies for multiple years, including those preceding and succeeding the notified date under the Act, and recorded a categorical finding that the names of B. Sattaiah, B. Madaiiah and B. Shankaraiah were reflected as joint possessors.

36. The appellate authority further noted earlier entries showing Late Rama Swamy as Inamdar and concluded that, upon his demise, his sons continued in joint possession, thereby entitling them to occupancy rights in equal shares. The reasoning is founded upon contemporaneous revenue entries which, though not conclusive of title, carry significant evidentiary value in matters of possession.

37. It is to be noted that the contention regarding absence of notice is not borne out from the record. The impugned order indicates that the parties were heard and material was considered before arriving at the conclusion. No procedural irregularity or violation of principles of natural justice of such magnitude as to vitiate the order is demonstrated. Further the plea of limitation and adverse possession, raised in the context of Inam land vested in the State, does not advance the petitioner's case in writ proceedings,

particularly when the dispute essentially concerns inter se claims of co-sharers. Therefore, this Court finds no jurisdictional error, patent illegality, or perversity in the order of the Joint Collector.

C. Conduct of the petitioners

38. It is to be noted that the inconsistent stands taken by the petitioners with regard to the identity of the predecessor-in-interest cannot be overlooked. The pleadings disclose vacillation between the names 'Rama Swamy' and 'Samaiah,' thereby introducing avoidable ambiguity into the proceedings.

39. In the present case, the writ jurisdiction being discretionary and equitable in nature, a litigant approaching the Court is expected to disclose facts candidly and maintain consistency in pleadings. While this Court refrains from expressing any conclusive opinion on collateral criminal proceedings, the existence of such proceedings further underscores the disputed factual matrix, rendering writ adjudication inappropriate.

D. Locus Standi in W.P.No.23738 of 2022

40. It is to be noted that with the dismissal of W.P.No.1434 of 2004, the appellate order dated 16.07.2001 stands affirmed. The petitioner's claim based on the 1998 ORC thus stands negated.

41. The rights asserted by respondent Nos.6 and 7 stem from a distinct ORC granted in 2008, which has not been directly challenged in appropriate proceedings. The impugned action in W.P.No.23738 of 2022 is confined to issuance of e-pattadar pass books pursuant to implementation of that ORC. Further, the absence of a subsisting legal right in the petitioner over the subject land, the petitioner cannot maintain a challenge to implementation of an independent statutory grant made in favour of third parties. *Locus standi* in writ proceedings is founded upon existence of a legal right and its infringement. Thus, such right is not demonstrably established in the instant case.

E. Challenge to implementation of judicial directions, allegations of fraud and plea of *lis pendens*

42. It is relevant to note that the issuance of e-pattadar pass books in favour of respondent Nos.6 and 7 was effected pursuant to directions issued by this Court in earlier proceedings and in compliance with consequential administrative instructions. The impugned action is thus merely consequential to, and in implementation of, a subsisting ORC granted in 2008. In the absence of a direct challenge to the foundational ORC itself, a collateral attack upon its implementation cannot be countenanced,

as it would amount to reopening issues that have either attained finality or were not questioned within a reasonable time.

43. The allegations of fraud in securing the ORC of 2008 raise disputed questions of fact necessitating detailed examination of evidence, which cannot be undertaken in summary proceedings under Article 226 of the Constitution. If the petitioner is so advised, it remains open to her to seek appropriate relief before a competent civil forum.

44. Insofar as the plea of *lis pendens* is concerned, the grant of an ORC is a statutory recognition of rights and not a transfer *inter vivos* by a party to pending litigation. Moreover, in view of the dismissal of W.P.No.1434 of 2004, the very foundation for invoking the doctrine does not survive in these proceedings.

Conclusion

45. In the light of the aforesaid discussion, this Court finds that the disputes raised in W.P.No.1434 of 2004 involve seriously contested questions of title, succession and possession, which are not amenable to adjudication under Article 226 and must be pursued before a competent civil Court. The order dated 16.07.2001 passed by the Joint Collector is a reasoned and lawful exercise of

appellate jurisdiction based on revenue records and discloses no jurisdictional error, perversity or violation of natural justice.

46. Consequently, in W.P.No.23738 of 2022, the petitioner lacks any subsisting legal right to maintain the challenge. The impugned action is merely consequential to prior judicial directions and implementation of a subsisting ORC which has not been directly assailed. The pleas of fraud and *lis pendens* raise disputed factual issues beyond the scope of writ jurisdiction. With the dismissal of W.P.No.1434 of 2004, the very foundation of the petitioner's claim stands extinguished, and no legal impediment survives to the implementation of rights in favour of respondent Nos.5 and 7.

47. Accordingly, W.P.No.1434 of 2004 and W.P.No.23738 of 2022 are hereby dismissed. The order dated 16.07.2001 passed by the Joint Collector, Ranga Reddy District, in Inam Appeal File No.F1/8571/98, as well as the proceedings of the said respondent-District Collector in Letter No.D1/622/2022 dated 28.04.2022 and the consequential issuance of e-pattadar pass books in favour of respondent Nos.6 and 7, are affirmed. The revenue authorities shall maintain the revenue records in accordance with the respective ORCs and in accordance with law.

48. The interim order dated 20.05.2022 granted in W.P.No.23738 of 2022 shall stand vacated.

49. Further, it is made clear that this judgment shall not preclude any party from working out their remedies before a competent civil Court, if so advised. All questions relating to title, possession and validity of documents are left open to be adjudicated in such proceedings, uninfluenced by any observations made herein except to the extent necessary for disposal of these writ petitions.

As a sequel, miscellaneous petitions, pending if any, stand closed. No order as to costs.

//TRUE COPY//

SD/-A. SRINIVASA REDDY
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. One CC to SRI A.GIRIDHAR RAO, Advocate. [OPUC]
2. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to SRI N.RAVI PRASAD, Advocate. [OPUC]
4. One CC to SRI N.NAVEEN KUMAR, Advocate. [OPUC]
5. Two CD Copies.

BSK

BS

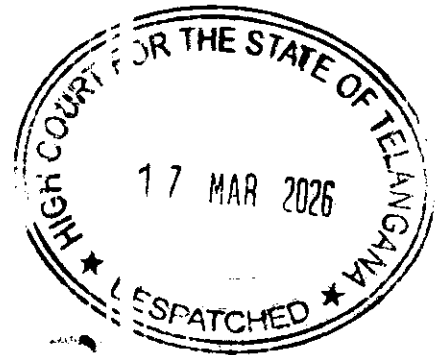


HIGH COURT

DATED:20/02/2026

COMMON ORDER

**WP.No.1434 of 2004
& WP.No.23738 of 2022**



**DISMISSING THE WRIT PETITIONS
WITHOUT COSTS**

⑧
kps
17/3/26