

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025
(arising out of SLP(C) No. 11661/2023)

KATIKAPALLY RAJAI AH APPELLANT(S)

VERSUS

MALAN BEE & ORS. RESPONDENT(S)

O R D E R

Leave granted.

The respondents in this appeal approached the Tahsildar, Yacharam Mandal, Ranga Reddy District, by way of a petition under Section 32(1) of the Andhra Pradesh (Telangana Area) Tenancy and Agriculture Lands Act, 1950¹, seeking restoration of possession of the lands admeasuring Acres 13-39 guntas, situated at Thulekurd village, Yacharam Mandal, Ranga Reddy District, claiming to be the legal heirs of one Buden Saab @ Budde Saab, who was stated to have been the protected tenant in that land. Their claim of heirship was based on the decree dated 30.07.2007 obtained in O.S. No. 163/2007 from the learned Junior Civil Judge, Ibrahimpatnam, to the effect that they were legal heirs of Buden Saab @ Budde Saab. Accepting their plea, the Tahsildar allowed their petition.

Aggrieved thereby, the appellant, Katikapally Rajaiah, preferred an appeal before the Joint Collector-I, Ranga Reddy District, Hyderabad, who set aside the order passed by the Tahsildar, Yacharam Mandal, Ranga Reddy District, on the ground

1 'the Act, 1950', for short.

that proceedings ought to have been initiated under Section 40 of the Act, 1950, for claiming the right of succession under a protected tenant, if any. As this procedure was not followed, the Joint Collector-I, Ranga Reddy District, Hyderabad, allowed the appeal, *vide* order dated 05.11.2023.

Aggrieved thereby, the respondents approached the High Court, by way of Civil Revision Petition No. 4815/2013. A learned Judge of the High Court allowed the Civil Revision Petition, *vide* the impugned judgment and order dated 10.10.2022. The learned Judge was of the opinion that the decree obtained by the respondents from the civil Court was sufficient and it was not necessary to abide by the procedure prescribed under Section 40 of the Act, 1950.

Aggrieved thereby, the appellant came before this Court. An order of *status quo* was passed by this Court while ordering notice in the matter.

Significantly, the learned Judge totally lost sight of the delay on the part of the respondents in putting forth their claim as the so-called heirs of the erstwhile protected tenant, if any. It may be noted that the appellant, Katikapally Rajaiah, purchased an extent of Acres 5-30 guntas out of the land admeasuring Acres 13-39 guntas under registered sale deed bearing Document No. 896/1984 dated 04.07.1984. He has been in actual physical possession of the land purchased by him since the said date but it was only in the year 2007 that the respondents thought it fit to approach the civil Court to secure certification of their purported legal heirship and stake a claim over the land in question, including the appellant's land. They came forward with the belated

plea that they were the legal heirs of the erstwhile protected tenant and that they were entitled to claim the right of succession at that late stage. The delay and laches on their part are fatal to their claim.

Further, the procedure under Section 40 of the Act, 1950 is mandatory and necessarily has to be followed before recognizing the succession in relation to heritable protected tenancy rights.

In the absence of such procedure being followed, the Tahsildar was not correct in accepting the belated claim put forth by the respondents. As that patent error on the part of the Tahsildar was corrected by the Joint Collector-I, the High Court was not justified in reversing the same.

In any event, as stated earlier, the delay on the part of the respondents in staking their claim is sufficient to non-suit them.

The appeal is, accordingly, allowed, setting aside the impugned judgment and order dated 10.10.2022 passed by the High Court and restoring the order dated 05.11.2013 passed by the Joint Collector-I, Ranga Reddy District, Hyderabad, in Case No. F2/33/2010.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJAY KUMAR)

.....J.
(ALOK ARADHE)

NEW DELHI;
OCTOBER 16, 2025.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSPetition for Special Leave to Appeal (C) No. 11661/2023

[Arising out of impugned final judgment and order dated 10-10-2022 in CRP No. 4815/2013 passed by the High Court for The State of Telangana at Hyderabad]

KATIKAPALLY RAJIAH

Petitioner(s)

VERSUS

MALAN BEE & ORS.

Respondent(s)

Date : 16-10-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR

HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) Mr. Krishna Kumar Singh, AOR
Mr. Yashaswi Sk Chocksey, Adv.For Respondent(s) Mr. Syed Ahmed Saud, Adv.
Mr. Mohd. Parvez Dabas, Adv.
Mr. Uzmi Jameel Husain, Adv.
Mr. Syed Daanish Ahmed, Adv.
Mr. Aqib Baig, Adv.
Mr. Mohammad Aadil Khan, Adv.
M/s. Shakil Ahmad Syed, AORUPON hearing the counsel, the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)
AR-CUM-PS(PREETI SAXENA)
COURT MASTER (NSH)

(Signed order is placed on the file)