

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

MONDAY, THE NINETEENTH DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SRI JUSTICE J SREENIVAS RAO**

**WRIT PETITION (PIL) No.198 OF 2016  
AND  
WRIT PETITION Nos.14448 AND 14698 OF 2015**

**WRIT PETITION (PIL) NO: 198 OF 2016**

**Between:**

Sri. Gaffar Ali S/o. Mohammad Gudu Sab, Aged about 60 years, R/o.H.No.3-73,  
Nyalkal Mandalam, Mamidigi, Sangareddy, Medak, Telangana, 502249

**...PETITIONER**

**AND**

1. The State of Telangana, Rep, by its Principal Secretary Revenue Department Secretariat Buildings-Hyderabad
2. The State of Telangana, Rep. by its Principal Secretary Irrigation and Command Area Development Department Secretariat buildings- Hyderabad
3. The District Collector, Sangareddy District, erstwhile Medak District
4. The Revenue Divisional officer, Zaheerabad division, erstwhile Sangareddy division, erstwhile Medak district
5. The Tahsildar, Nyalkal, Sangareddy Dist., erstwhile Medak District
6. Executive Engineer, Irrigation and Command Area Development Department Sangareddy Division. erstwhile Medak 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, Order or Direction, more particularly one in the nature of Writ of Mandamus, a) declaring the inaction of the Respondents in implementing Proc.No.C1/89/2014 dated 1.05.2015, issued by the Revenue Divisional officer,

Sangareddy, (4th Respondent herein ), in spite of several representations, whereby the Tahsildar, Nyalkal, was directed to restore the original entries of classification, pattedar and occupant column of the lands in Sy no. 23 (Ac 13.22 gts.) and Sy no. 24 (Ac 36.32 gts.) totaling Ac. 50.14. guntas, situated at Mamidigi Village, Nyalkal Mandal, Sangareddy division, of Medak District as 'Talab Cheruvu Sarkari', with reference to the Khasra Pahani (1954-55) whereby Shikam land was illegally converted to patta-lands, while deleting existing entries from all the records being maintained under the Andhra Pradesh (Telangana Area) Irrigation Act, 1357 F, with immediate effect and to take back the possession and custody of the land already taken under the cover of panchanama and handed over to Irrigation Department officials to restore the tank as part of the concerned government developmental schemes, as illegal, arbitrary, against Article 21 of the Constitution of India and consequently direct the Respondents to comply and implement the above proceedings issued by the 4th Respondent by reclaiming rightful possession and custody of the cheruvu/talab to restore it.

**I.A. NO: 1 OF 2016(WP(PIL)MP. NO: 337 OF 2016)**

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 Respondent No. 4 to 6 to Stay all activity in Sy Nos 23 and 24 totaling Acres 50.14 guntas comprising the talab cheruvu Sarkari, in Mamidigi Village, Nyalkal Mandel, Sangareddy division of Medak District, pending disposal of the main Writ Petition.

**Counsel for the Petitioner: M/s. B. RACHNA REDDY, SENIOR COUNSEL**

**Counsel for the Respondents: SRI POTTIGARI SRIDHAR REDDY,  
SPECIAL GOVERNMENT PLEADER FOR THE ADVOCATE GENERAL**

**WRIT PETITION NO: 14448 OF 2015**

**Between:**

1. Chintala Anita W/o. Gunda Reddy, Aged about 36 years, Occupation: Agriculturist, R/o Mamidigi Village, Nyalkal Mandal, Medak District.
2. Sri.Devendrappa S/o Lal Gunda, Aged about 55 years, Occupation: Agriculturist, R/o. Mamidigi Village, Nyalkal Mandal, Medak District.

3. Sri.Manik Appa S/o Lalappa, Aged about 48 years, Occupation: Agriculturist, R/o. Mamidigi Village, Nyalkal Mandal, Medak District.
4. Sri.Thukaram S/o Lal Gunda, Aged about 45 years, Occupation: Agriculturist R/o. Mamidigi Village, Nyalkal Mandal, Medak District.
5. Chendrappa S/o Lal Gunda, Aged about 41 years, Occupation: Agriculturist R/o. Mamidigi Village, Nyalkal Mandal, Medak District.
6. Basappa S/o Devendrappa, Aged about 35 years, Occupation: Agriculturist R/o. Mamidigi Village, Nyalkal Mandal, Medak District.

**...PETITIONERS**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
2. The District Collector, Medak District With Office at Sangareddy
3. The Revenue Divisional Officer, Sangareddy Medak District.
4. The Mandal Revenue Officer, Nyalkal Mandal, Medak District.
5. The State of Telangana, Rep. by its Principal Secretary, Irrigation Department, with Office at Saifabad Hyderabad.
6. The Executive Engineer Irrigation Department, With Office at Sangareddy
7. The Dy. Executive Engineer I.B. Sub Division, Irrigation Department With Office at Zaheerabad Medak 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 particularly one in the nature of Writ of Certiorari quashing the Proceedings dated 01-05-2013 bearing Proceedings No.C1/89/2014 of the Respondent No.3 Revenue Divisional 3 Officer, Sangareddy, Medak District whereby the Respondent No.3 has directed the Respondent No.4, Mandal Revenue Officer, Mamidigi Village, Nyalkal Mandal, Medak District to take the possession and handover the same to Irrigation Department and correct the entries in Revenue Records and restore the original entries of classification, pattedar and occupant column with reference to Khasra Pahani (1954-55) and deleting the ex-Ling entries from all records in respect of agricultural land in Survey Nos.23 and 24/1 of Mamidigi Village, Nyalkal Mandal, Medak District as illegal, void, arbitrary and one opposed to law and justice and without jurisdiction.

**I.A. NO: 1 OF 2015(WPMP. NO: 18864 OF 2015)**

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 stay all further proceedings in Pursuance of Proceedings dated 01-05-2015 bearing Proceedings No.C1/89/2014 of the Respondent No.3 Revenue Divisional Officer, Sangareddy, Medak District, pending disposal of the main Writ Petition.

**Counsel for the Petitioners: SRI VIJAY PISSAY**

**Counsel for the Respondents: SRI POTTIGARI SRIDHAR REDDY,  
SPECIAL GOVERNMENT PLEADER FOR THE ADVOCATE GENERAL**

**WRIT PETITION NO: 14698 OF 2015****Between:**

1. Srinivas Bacha S/o. LaxmanRao Bacha Aged 52 years Occ Business, H.No. 8-11-520, Lalitha Nivas, Jyothi Colony, Bidar Talaq and District.
2. Prashant Utage S/o. Ramesh Utage Aged 47 years, Occ Business Shivakrupa Nivas, Ambajogai Road, Lathur.
3. Shankarappa Patil S/o. Bheem Rao Patil Aged about 67 years, Occ Agriculture H.No.9-1-478/2, Nandi Colony, Bidar Talaq and District.
4. Subhash Patil S/o. Manikappa Aged 64 years, Occ Agriculture H.No.8-6-38, JP Nagar, Bidar Talaq and District.

**...PETITIONERS**

**AND**

1. The State of Telangana, Rep. by its Prl. Secretary Revenue Department, Telangana Secretariat, Hyderabad.
2. The District Collector, Medak District Sangareddy.
3. The Revenue Divisional Officer, Sanga Reddy, Medak District.
4. The Tahsildar, Mandal Revenue Office, Nyalkal, Medak District.
5. The Executive Engineer, ( I and CAD) Sangareddy Division, Sangareddy, Medak 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 Mandamus or any other appropriate Writ, order or direction, declaring the impugned proceedings C1/89/2014, dated 01-05-2015 of

the 3rd respondent is illegal, arbitrary, unconstitutional, unwarranted, unsustainable and against law as well as principles of natural justice and consequently direct the respondents not to interfere and dispossess the petitioners from their respective properties in question.

**I.A. NO: 1 OF 2015(WPMP. NO: 19146 OF 2015)**

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 respondents not to dispossess with the petitioners respective properties in question, pending disposal of the Writ Petition before this Hon'ble Court.

**I.A. NO: 2 OF 2015(WPMP. NO: 19147 OF 2015)**

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 suspending the impugned proceedings C1/89/2014, dated 01.05.2015, pending disposal of the Writ Petition before this Hon'ble Court.

**Counsel for the Petitioners: SRI K. B. RAMANNA DORA**

**Counsel for the Respondents: SRI POTTIGARI SRIDHAR REDDY,  
SPECIAL GOVERNMENT PLEADER FOR THE ADVOCATE GENERAL**

**The Court made the following: COMMON ORDER**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT PETITION (PIL) No.198 of 2016**

**and**

**WRIT PETITION Nos.14448 and 14698 of 2015**

**COMMON ORDER:** *(Per the Hon'ble Sri Justice J. Sreenivas Rao)*

W.P.(PIL) No.198 of 2016 is filed questioning the inaction of the respondents in implementing the proceedings No.C1/89/2014 dated 01.05.2015 passed by the Revenue Divisional Officer-respondent No.4 to restore the original entries of classification, pattadar and occupant column of the lands in Sy.No.23 (Ac.13.22 gts.) and Sy.No.24 (Ac.36.32 gts.,) totalling Ac.50.14 gts., situated at Mamidigi Village, Nyalkal Mandal, Sanga Reddy Division of Medak District as 'Talab Cheruvu Sarkari', with reference to the Khasra Pahani 1954-55.

1.1. W.P.Nos.14448 and 14698 of 2015 are filed questioning the order passed by the Revenue Divisional Officer dated 01.05.2015 *vide* Proceedings No.C1/89/2014, in respect of land to an extent of Acs.29.37 gts., out of total extent of Ac.50.14 gts.

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2. Heard Smt.B.Rachna Reddy, learned senior counsel for the petitioner in W.P.(PIL) No.198 of 2016, Sri P.Vijay, learned counsel for the petitioners in W.P.No.14448 of 2015, Sri K.B.Ramanna Dora, learned counsel for the petitioners in W.P.No.14698 of 2015 and Sri Pottigari Sridhar Reddy, learned Special Government Pleader attached to the office of learned Advocate General appearing for the official respondents.

3. Since the parties are questioning the order dated 01.05.2015, all three writ petitions are heard together and are being disposed of by this common order. For the facility of reference, W.P.(PIL) No.198 of 2016 is being referred.

**Brief facts of the case:**

4. The claim of the petitioner is that the property to an extent of Ac.50.14 gts. covered by Sy.Nos.23 and 24 (hereinafter referred to as 'the subject property') originally classified as 'Talab Cheruvu Sarkari' and in pattadar column, it was recorded as 'Sarkari Shikam', whereas in occupant column, it was recorded as 'Talab/Cheruvu/Tank'. The same was altered and converted as patta land in the year 1959-60 in the absence of any proceedings issued by the competent

authority exercising the powers conferred under the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 ('RoR Act' for brevity). The petitioner and other villagers have submitted application in Prajavani before respondent Nos.3 to 5. Basing on the said application, the Revenue Divisional Officer after due verification of the records, after conducting enquiry and basing on the report submitted by the Tahasildar passed impugned order dated 01.05.2015 exercising the powers conferred under Rule 13(2) of the Andhra Pradesh Rights in Land and Pattadar Pass Book Rules, 1989 ('the Rules' for brevity) for correction of the entries and restoration of the original classification. The petitioner submitted a representation before respondent Nos.3 to 5 requesting them to implement the orders passed by the Revenue Divisional Officer. In spite of the same, the respondents have not taken any steps. At this juncture, the petitioner had approached this Court and filed the writ petition by way of Public Interest Litigation.

5. Learned counsel for the petitioners in W.P.Nos.14448 and 14698 of 2015 vehemently contended that the Revenue



Divisional Officer is not having authority or jurisdiction to initiate the proceedings while exercising the powers under Rule 13(2) of the Rules, especially after lapse of more than 55 years. The impugned order passed by the Revenue Divisional Officer is contrary to the provisions of the RoR Act and also law. In support of their contention, they relied upon the judgment of the Hon'ble Supreme Court in **Joint Collector, Ranga Reddy District and another v. D.Narsing Rao and others**<sup>1</sup> and the judgment of this Court in **Peddi Sailaja and another v. State and others**<sup>2</sup>.

6. Learned Special Government Pleader contended that the subject property is recorded as 'Sarkari Shikam' in the Khasra Pahani for the year 1954-55 and it was specifically classified as 'Talab Cheruvu Sarkari' and in occupant column it was mentioned as 'Talab/Cheruvu/Tank'. The names of petitioners in W.P.Nos.14448 and 14698 of 2015 were recorded in the revenue records in the absence of any proceedings. When the same was brought to the notice of the Revenue Divisional Officer, he rightly initiated the proceedings exercising the

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<sup>1</sup> (2015) 3 SCC 695

<sup>2</sup> (2014) 2 ALD 246

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powers conferred under the RoR Act to protect the subject property, especially when the same is recorded as 'Talab Cheruvu Sarkari'. The petitioners in W.P.Nos.14448 and 14698 of 2015 are not entitled to claim any rights or title over the subject property and they have to approach the competent civil Court. In order to protect the government properties, especially Cheruvu/Tank, the Revenue Divisional Officer has rightly passed the impugned order.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that as per the Khasra Pahani for the year 1954-55, the land in Sy.No.23 to an extent of Ac.13.22 gts and in Sy.No.24 to an extent of Ac.36.32 gts. is classified as 'Talab Cheruvu Sarkari', and in pattadar column, it is recorded as 'Sarkari Shikam' and in occupant it is recorded as 'Talab/Cheruvu/Tank'. The Revenue Divisional Officer, after receiving representation from the petitioner in W.P.(PIL) No.198 of 2016 and other villagers in Prajavani dated 20.10.2014 and also based on news item published in Namasthe Telangana Daily Newspaper on 16.12.2014, initiated the proceedings and

passed the impugned order on 01.05.2015 exercising the powers conferred under Rule 13(2) of the Rules.

8. It is pertinent to mention here that as per sub-section 5 of Section 5 of the RoR Act, against every order of the Mandal Revenue Officer either making an amendment in the record of rights or refusing to make such an amendment, an appeal shall lie to the Revenue Divisional Officer.

9. In the case on hand, the Revenue Divisional Officer exercised the *suo motu* revisional powers under Rule 13(2) of the A.P. Rights in Land and Pattdar Pass books Rules, 1989 though the Revenue Divisional Officer is not having *suo motu* revisional powers under the RoR Act. However, as per the provision of Section 9 of the RoR Act, the Collector may either *suo motu* or basing on an application made to him is having power to examine the record of any Recording Authority, Mandal Revenue Officer or Revenue Divisional Officer under Sections 3, 5, 5A or 5B of the RoR Act in respect of any record of rights prepared or maintained to satisfy himself as to the regularity, correctness, legality or propriety of any decision taken, order passed or proceedings made in respect thereof.

10. This Court in **Peddi Sailaja** (*supra*), learned Single Judge held in para 9, which reads as under:

“9. No doubt, the above re-produced Rule confers *suo motu* power on all the functionaries under the Act upto the level of the Collector to *suo motu* revise the entries in the record of rights. In my opinion, this rule runs contrary to Sections 5(5) and 9 of the Act and also Rule 21 of the Rules. Under Section 9 of the Act, only the Collector is conferred with the power of revision to be exercised either *suo motu* or on an application. If the Legislature intended that even the authorities lower in rank to the Collector, such as, Mandal Revenue Officer and Revenue Divisional Officer, also need to be conferred with such power, Section 9 of the Act would not have conferred such power only on the Collector. If the power of revision is conceded to the Revenue Divisional Officer, it will come in conflict with Section 5(5) of the Act, which conferred appellate power on him. It cannot be imagined that the same authority will be conferred with both the appellate and revisional powers to be exercised in respect of the same proceedings.”

11. In **J.Krishnamachari v. State Government of Andhra Pradesh and others**<sup>3</sup>, this Court while considering the various judgments specifically held that Revenue Divisional Officer has no power to treat the application as appeal under Section 5(5)

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<sup>3</sup> 2014 (1) ALB 406

of the Act and pass order and further held that respondent No.2 therein has committed a serious procedural illegality and jurisdictional error in treating the report of respondent No.3 therein as appeal.

12. It is also relevant to place on record that in **State of Uttar Pradesh v. Singhara Singh and others**<sup>4</sup>, the Hon'ble Apex Court held at para 8 that if a statute has conferred a power to do an act in particular method and procedure that power has to be exercised in accordance with the statute only, it necessarily prohibits doing of the act in any other manner than prescribed, which reads as follows:

“The rule adopted in Taylor v. Taylor([1875] 1 Ch.D.426, 431) is well recognized and is founded on sound principle. Its result is that if a statute has conferred a power to do an act and has laid down the method in which that power has to be exercised, it necessarily prohibits the doing of the act in any other manner than that which has been prescribed. The principle behind the rule is that if this were not so, the statutory provision might as well not have been enacted. A Magistrate, therefore, cannot in the course of investigation record a confession except in the manner

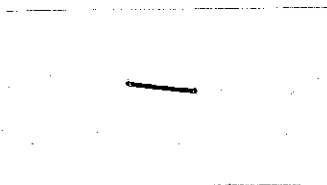
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<sup>4</sup> AIR 1964 SC 358

laid down in Section 164. The power to record the confession had obviously been given so that the confession might be proved by the record of it made in the manner laid down. If proof of the confession by other means was permissible, the whole provision of Section 164 including the safeguards contained in it for the protection of accused persons would be rendered nugatory. The section, therefore, by conferring on magistrates the power to record statements or confessions, by necessary implication, prohibited a Magistrate from giving oral evidence of the statements or confessions made to him."

13. It is already observed *supra* that in the case on hand, the Revenue Divisional Officer treated the application submitted by the petitioner in W.P. (PIL) No.198 of 2016 and other villagers as *suo motu* revision, though such power is not available to him, and passed the impugned order and the same contrary to the provisions of the RoR Act.

14. For the foregoing reasons as well as principle laid down in the above judgments *supra*, the impugned order passed by the Revenue Divisional Officer exercising *suo motu* revisional powers under Rule 13(2) of the Rules is not permissible under law and the same is liable to be set aside on the ground of jurisdiction and accordingly set aside. However, the District



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Collector, Sanga Reddy, is granted liberty to initiate the proceedings afresh, if so desired. The petitioners in W.P.Nos.14448 and 14698 of 2015 are also granted liberty to approach the competent Civil Court to establish their rights and title over the subject property, if so advised.

15. Accordingly, the writ petitions are disposed of. No order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

**SD/-K.SREERAMA MURTHY  
ASSISTANT REGISTRAR**

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**SECTION OFFICER**

To,

1. The Principal Secretary Revenue Department, State of Telangana, Secretariat Buildings-Hyderabad
2. The Principal Secretary Irrigation and Command Area Development Department, State of Telangana, Secretariat buildings- Hyderabad
3. The District Collector, Sangareddy District, erstwhile Medak District.
4. The Revenue Divisional officer, Zaheerabad division, erstwhile Sangareddy division, erstwhile Medak district.
5. The Tahsildar, Mandal Revenue Office, Nyalkal, Medak District.
6. Executive Engineer, Irrigation and Command Area Development Department Sangareddy Division. erstwhile Medak District
7. The District Collector, Medak District With Office at Sangareddy
8. The Revenue Divisional Officer, Sangareddy Medak District.
9. The Mandal Revenue Officer, Nyalkal Mandal, Medak District.
10. The Executive Engineer Irrigation Department, With Office at Sangareddy
11. The Dy. Executive Engineer I.B. Sub Division, Irrigation Department With Office at Zaheerabad Medak District
12. One CC to M/s. B. RACHNA REDDY, Senior Counsel [OPUC]
13. Two CCs to the Advocate General, High Court for the State of Telangana at Hyderabad [OUT]

14. One CC to SRI VIJAY PISSAY, Advocate [OPUC]

15. One CC to SRI K. B. RAMANNA DORA, Advocate [OPUC]

16. Two CD Copies

MP

A handwritten signature or set of initials, possibly 'B. J.', written in black ink.



**HIGH COURT**

**DATED:19/08/2024**



**COMMON ORDER**

**W.P. (PIL) No.198 OF 2016  
AND  
W.P.Nos.14448 AND 14698 OF 2015**

**DISPOSING OF THE WRIT PETITIONS**

**WITHOUT COSTS**

(19)

28/09/24

KK