

[3418]

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

**THURSDAY, THE TWELFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT APPEAL NO: 1090 OF 2024

Writ Appeal under clause 15 of the Letters Patent Appeal Preferred Against the Order Dated 04/04/2024, in W.P. No. 24577 of 2021 on the file of the High Court.

Between:

Sri Sagi Hanumantha Rao, S/o Sri S. Jalapathi Rao, Aged about 73 years, Occ. Retd. Employee, R/o. H. No. 1-66, Burugupalli (V), Gangadhara (M), Karimnagar District, Telangana State.

...APPELLANT/PETITIONER

AND

1. The State of Telangana, Secretarial, Hyderabad, Rep. by its Principal Secretary, Revenue Department.
2. The Special Tribunal, Marimnagar District-cum-District Collector, Karimnagar, Karimnagar District, Telangana State.
3. The Revenue Divisional Officer, Karimnagar, Karimnagar District, Telangana State.
4. The Tahsildar, Gangadhra Village and Mandal, Karimnagar District, Telangana State.
5. Sri Milkuru Venkat Reddy, S/o Sri M. Lachi Reddy, Aged about 45 years, Occ. Agriculture, Residing at R/o Laxmidevipalli Village, Gangadhara Mandal, Karimnagar District.
6. Sri Yama Narasaiah, S/o Sri Chinna Narsaiah, Aged Major. Occ. Agriculture, Residing at R/o Laxmidevipalli Village, Gangadhara Mandal, Karimnagar District.
7. Sri Yama Rajanarsu, S/o Sri Lachaiah, Aged about 60 years, Occ. Agriculture, Residing at R/o Laxmidevipalli Village, Gangadhara Mandal, Karimnagar District.
8. Sri Yama Rajaiah, S/o Sri Lasmaiah, Aged about 50 years, Occ. Agriculture, Residing at R/o Laxmidevipalli Village, Gangadhara Mandal, Karimnagar District.
9. Sri Yama Lachaiah, S/o Sri Lasmaiah, Aged about 40 years, Occ. Agriculture, Residing at R/o Laxmidevipalli Village, Gangadhara Mandal, Karimnagar District.
10. Sri Yama Rajaiah, S/o Sri Lachaiah, Aged about 50 years, Occ. Agriculture, Residing at R/o Laxmidevipalli Village, Gangadhara Mandal, Karimnagar District.

...RESPONDENTS

IA NO: 1 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 condone the delay of 73 days in filing Writ Appeal

IA NO: 2 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 direct the Respondents 5 to 10 not to create any third party rights in respect of the lands admeasuring Ac. 4-23 Gts., Ac. 0-10 Gts., Ac. 0-13 Gts. and Ac. 0-23 Gts. in Sy. Nos. 177, 184, 185 and 187 respectively situated at Kondaiapalli Village, Gangadhara Mandal, Karimnagar District pending disposal of the above Writ Petition

Counsel for the Appellant: Smt. D. PRAMADA

**Counsel for the Respondent Nos. 1to4: SRI MURALIDHAR REDDY,
AGP FOR REVENUE**

Counsel for the Respondent Nos. 5to10: ---

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1090 OF 2024

JUDGMENT: *(per the Hon'ble Sri Justice J. Sreenivas Rao)*

This intra-court appeal is filed aggrieved by the orders passed by the learned Single Judge of this Court in dismissing the Writ Petition No.24577 of 2021 dated 04.04.2024.

2. Heard Smt. D.Pramada, learned counsel for the appellant and Sri Muralidhar Reddy Katram, learned Government Pleader for Revenue appearing on behalf of respondent Nos.1 to 4.

3. **Brief facts of the case:**

3.1 The appellant is claiming rights in respect of agriculture land to an extent of Ac.64-30 guntas situated at Kondaiapalli Village, Gangadhara Mandal, Karimnagar District through his mother, who had purchased the same through registered sale deed bearing document No.540/1963, dated 16.05.1963 and since then his mother has been in possession of the subject property as Pattadar and possessor and her name was not mutated in respect of land to an extent of Ac.5-19 guntas and rest of the land was mutated in her name. As soon as came to know about the wrong entries made

in favour of respondent Nos.5 to 10 in pahanies in possessory column, appellant's mother had submitted applications on 04.05.2019 and 18.05.2019 to incorporate her name in respect of the subject land. Basing on the said application, respondent No.4 initiated the proceedings exercising the powers conferred under Section 5(B) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (hereinafter referred for brevity as 'ROR Act') and the said appeal was transferred to the Special Tribunal by virtue of the provisions of the amended Act, 2020 i.e. Telangana Rights in Land and Pattadar Pass Books Act, 2020. The Special Tribunal dismissed the appeal by its order dated 16.06.2021 on the ground that there are civil disputes between the parties and appellant therein who is the mother of appellant herein is directed to approach competent Civil Court.

3.2 Aggrieved by the same, the appellant filed W.P. No.24577 of 2021 and the learned Single Judge dismissed the said writ petition on the ground that the appellant's mother had filed application seeking correction of revenue entries after lapse of more than 57 years and as per the provisions of Section 5(5) of the ROR Act, the appellant ought to have filed the appeal within reasonable time and the Special Tribunal has rightly dismissed the appeal. Aggrieved by the same, the appellant filed the present writ appeal.

4. Learned counsel for the appellant vehemently contended that respondent Nos.5 to 10 are not having any semblance of right over the subject property and their names were wrongly mentioned in the possessory column of pahanies in the absence of any document. Admittedly, appellant's mother is rightful owner, as she had purchased the subject property through registered sale deed dated 16.05.1963 and names of respondent Nos.5 to 10 were entered in the pahanies without following due procedure as contemplated under the provisions of the ROR Act.

5. Learned Government Pleader submits that the appellant's mother approached respondent No.3 seeking correction of revenue entries after lapse of a long period of 57 years and the Special Tribunal rightly dismissed the appeal filed by the appellant's mother. The learned Single Judge while dismissing the writ petition rightly confirmed the order of respondent No.2. The appellant ought to have approached the competent Civil Court to ascertain his title and possession over the subject property.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the appellant is claiming rights over the subject property to an extent of Ac.5-19 guntas from his mother who had purchased the vast extent of land of Ac.64-30 guntas in

Sy.Nos.177, 184, 185 and 187 situated at Kondaiapalli Village, Gangadhara Mandal, Karimnagar District through registered sale deed dated 16.05.1963. Admittedly, names of respondent Nos.5 to 10 were recorded in the pahanies in possessory column and continuing since long period, whereas the appellant's mother had submitted applications for correction of revenue entries on 04.05.2019 and 18.05.2019 after long lapse of time. Respondent No.2 has rightly rejected the application submitted by the appellant's mother and directed her to approach the competent Civil Court.

7. It is also very much relevant to place on record that the Hon'ble Supreme Court in **Joint Collector, Ranga Reddy District and another vs. D.Narsing Rao and others**¹, held that,

"No time-limit is prescribed in the above section for the exercise of suo motu power but the question is as to whether the suo motu power could be exercised after a period of 50 years. The Government as early as in the year 1991 passed an order reserving 477 acres of land in Survey Nos.36 and 37 of Gopanpally Village for house sites to the government employees. In other words, the Government had every occasion to verify the revenue entries pertaining to the said lands while passing the Government Order dated 24-9-1991 but no exception was taken to the entries found. Further the respondents herein filed Writ Petition No. 21719 of 1997 challenging the Government Order dated 24-9-1991 and even at that point of time no action was initiated pertaining to the entries in the said survey numbers. Thereafter, the purchasers of land from Respondents 1 and 2 herein filed a civil suit in

¹(2015) 3 SCC 695

OS No. 12 of 2001 on the file of the Additional District Judge, Ranga Reddy District praying for a declaration that they were lawful owners and possessors of certain plots of land in Survey No. 36, and 12 after contest, the suit was decreed and said decree is allowed to become final. By the impugned notice dated 31-12-2004 the suo motu revision power under Section 166-B referred to above is sought to be exercised after five decades and if it is allowed to do so it would lead to anomalous position leading to uncertainty and complications seriously affecting the rights of the parties over immovable properties."

8. It is settled principle of law that the parties are not entitled to seek correction of revenue entries after long lapse of time and the parties have to approach the authorities within a reasonable period, though the statute has not prescribed any time limit. In the case on hand, the appellant's mother had submitted applications for entering her name in revenue records after long period of more than 57 years and therefore, the appellant or his mother is not entitled for correction of the revenue entries.

9. For the foregoing reasons as well as the principle laid down by the Hon'ble Supreme Court, this Court does not find any grounds to interfere with the impugned order passed by the learned Single Judge dated 04.04.2024.

10. Accordingly, the Writ Appeal is dismissed. However, the appellant and his mother are granted liberty to avail the remedies as available under law and to approach the competent Civil Court

to ascertain their title and possession over the subject property, if so they are aggrieved. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

Sd/- K. SAILESHI
DEPUTY REGISTRAR
SECTION OFFICER

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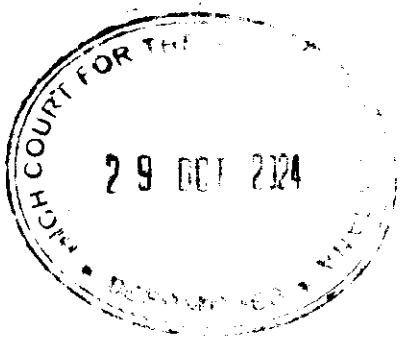
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HIGH COURT

**HCJ &
JSR,J**

DATED:12/09/2024



JUDGMENT

WA.No.1090 of 2024

DISMISSING THE WRIT APPEAL WITHOUT COSTS

⑥
15/10/24
bx