

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

**TUESDAY, THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

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

WRIT APPEAL NO: 42 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 02/12/2024 in W P No 19549 of 2022. on the file of the High Court.

Between:

1. K. Sridhar Reddy, S/o Pratap Reddy Age. 57 years, Occ. Agriculture R/o. H.no.2/78, 3rd Floor Harsha Vardhan Colony Old Bowenpally, Secunderabad - 500011
2. K. Rajasekhar Reddy, S/o Pratap Reddy Age. 52 years, Occ. Agriculture R/o. H.no.2/78, 3rd Floor, Harsha Vardhan Colony Old Bowenpally, Secunderabad - 500011
3. K. Chandrashekhar Reddy, S/o Pratap Reddy Age. 57 years, Occ. Agriculture R/o. H.no.2/78, 3rd Floor, Harsha Vardhan Colony Old Bowenpally, Secunderabad - 500011

...APPELLANTS/PETITIONERS

AND

1. The State of Telangana, rep by its Principal Secretary (Revenue), Secretariat, Hyderabad.
2. The District Collector, Siddipet District, Siddipet.
3. The Tahsildar, Gajwel Mandal, Siddipet District.
4. Kolupula Yellawa, W/o Late Sailu Age. 58 years, Occupation. Agriculture R/o Pregnapur Village, Gajwel Mandal Siddipet district.

...RESPONDENTS/RESPONDENTS

Counsel for the Appellant: SRI. SRINIVASA RAO SIRIKONDA

Counsel for the Respondent Nos. 1to3: GP FOR REVENUE

Counsel for the Respondent No.4: SRI K. AJITH REDDY REP Ms. V. SANJANA

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.42 of 2025

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

This intra court appeal has been filed by the appellants invoking the provisions of Clause 15 of the Letters Patent aggrieved by the order dated 02.12.2024 passed by the learned Single Judge in W.P.No.19549 of 2022, by which the writ petition filed by the appellants was disposed of by setting aside the mutation made in favour of the appellants in respect of the subject property to an extent of Ac.1.00 gts. in Sy.No.253 situated in Pregnapur Village of Gajwel Mandal, Siddipet District.

2. Heard Mr. Srinivasa Rao Sirikonda, learned counsel for the appellants, Mr.Muralidhar Reddy Katram, learned Government Pleader for Revenue appearing for respondent Nos.1 to 3 and Mr.K. Ajith Reddy, learned counsel representing Ms.V.Sanjana, learned counsel for respondent No.4.

3. With the consent of both parties, the writ petition has been disposed of at the admission stage.

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

4.1. Facts giving rise to filing of this writ appeal briefly stated are that the appellants are claiming that they are owners and possessors of the subject property i.e., agricultural land to an extent of Ac.1.00 gts. in Sy.No.253/9 situated at Pregnapur Village of Gajwel Mandal, Siddipet District, and the same was purchased through registered sale deed *vide* document bearing No.5517 of 2004 dated 21.06.2004 from Sri Kolupula Narsaiah, who is none other than the father of respondent No.4. The appellants further averred that they have purchased total extent of Ac.20.34 gts. in Sy.Nos.253, 254 and 338 of Pragnapur Village from other vendors as well through registered sale deed. The revenue authorities after following the due procedure issued proceedings on 25.05.2006 mutating the names of the appellants in the revenue records and pattadar pass book and title deed were issued and they have been in possession of the subject property.

4.2. The appellants averred that they came to know that respondent No.4 and another filed suit in O.S.No.31 of 2014 before the Senior Civil Judge's Court, Siddipet, for declaration of title and perpetual injunction against the vendor of the appellants without

making them as party defendants and obtained *ex parte* decree by suppressing the material facts. During pendency of the said suit, respondent No.4 filed appeal before the Revenue Divisional Officer, Gajwel, questioning the mutation proceedings dated 25.05.2006 issued in favour of the appellants in respect of the subject property and the said appeal was dismissed, by its order dated 28.05.2018 and the same has become final.

4.3. The appellants further averred that basing on the decree dated 31.01.2018 passed in O.S.No.34 of 2014, respondent No.4 has made an application for mutation of her name in the revenue records. Pursuant to the same, respondent No.3 has issued proceedings dated 17.09.2019 mutating the name of respondent No.4 in the revenue records. Questioning the above said proceedings dated 17.09.2019, the appellants have filed W.P.No.19549 of 2019. Learned Single Judge of this Court disposed of the said writ petition by setting aside the mutation proceedings issued in favour of the appellants as well as respondent No.4 and directed respondent No.3 to issue notice to the appellants as well as respondent No.4 and other persons, if any, and pass appropriate orders by duly taking into consideration

the judgment in **Chinnam Pandurangam v. Mandal Revenue Officer, Serilingampally Mandal and others**¹ within a period of three (3) months and till such time, the parties are directed to maintain *status quo* in respect of the subject property in all respects. Thus, the appellants filed the present writ appeal.

5. Submissions of learned counsel for the appellants:

5.1. Learned counsel for the appellants submitted that respondent No.4 is not having any right in respect of the subject property and the appellants have purchased the same by paying valuable sale consideration through registered sale deed dated 21.06.2004 and since then they have been in possession of the subject property and the revenue authorities issued mutation proceedings in favour of the appellants on 25.05.2006. Questioning the said proceedings, respondent No.4 filed appeal before the Revenue Divisional Officer, Gajwel and the said appeal was dismissed on 28.06.2006 and the said order has become final.

5.2. He further submitted that suppressing the above said facts, respondent No.4 and another filed suit in O.S.No.31 of 2014 before the Senior Civil Judge's Court, Siddipet, against the vendor of the

¹ AIR 2008 AP 15

appellants, namely Sri Kolupula Narsaiah, without making the appellants as party defendants. During pendency of the suit, Sri Kolupula Narsaiah died on 22.07.2017 and respondent No.4 obtained *ex parte* decree by suppressing the said fact. Basing on the *ex parte* decree, respondent No.4 submitted application for mutation of her name in the revenue records, though the decree passed in O.S.No.31 of 2014 is not binding upon the appellants.

5.3. He further submitted that respondent No.3, without verifying the records and earlier mutation proceedings dated 25.05.2006 issued in favour of the appellants and the order passed by the Revenue Divisional Officer, Gajwel, dated 28.05.2018, issued proceedings on 17.09.2019 proposing to mutate the name of respondent No.4 in the revenue records and the same is contrary to law.

5.4. He submitted that the revenue authorities mutated the names of the appellants pursuant to the registered sale deed dated 21.06.2004 and the said mutation proceedings was confirmed in the appeal and respondent No.4 has not questioned the order passed by the Revenue Divisional Officer dated 28.05.2018. In the

absence of the same, the learned Single Judge ought not to have set aside the mutation proceedings issued in favour of the appellants.

6. Submissions of learned counsel for respondent No.4:

6.1. Learned counsel for respondent No.4 submitted that the competent civil Court passed decree of declaration of title in favour of respondent No.4 and pursuant to the said decree, respondent No.3 issued proceedings dated 17.09.2019. Learned Single Judge rightly set aside the said proceedings and directed respondent No.3 to conduct enquiry and pass appropriate orders in accordance with the Telangana Rights in Land and Pattadar Pass Books Act, 2020 (hereinafter referred to as 'ROR Act') and the appellants are entitled to raise all the objections before respondent No.3 and there are no grounds in the appeal.

Analysis:

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the appellants are claiming rights over the subject property basing on the registered sale deed dated

21.06.2004 said to have been executed by Sri Kolupula Narsaiah, who is none other than the father of respondent No.4, and pursuant to the said sale deed, the revenue authorities issued mutation proceedings in favour of the appellants on 25.05.2006. Aggrieved by the same, respondent No.4 had filed appeal under Section 5(5) of the RoR Act before the Revenue Divisional Officer, Gajwel, and the same was dismissed on 28.05.2018. It further reveals from the record that respondent No.4 has not questioned the said order and the same has become final.

8. It further reveals from the record that even prior to filing of the appeal before the Revenue Divisional Officer, Gajwel, respondent No.4 and her son filed suit in O.S.No.31 of 2014 before the Senior Civil Judge's Court, Siddipet, seeking declaration and perpetual injunction against Sri Kolupula Narsaiah, who is the vendor of the appellants, without making the appellants as party defendants and the said Court passed *ex parte* decree in their favour. Respondent No.4 herself averred in the said suit that she came to know that the defendant executed sale deed in favour of the third parties and the said averment clearly reveals that respondent No.4 is having knowledge about the execution of the

registered sale deed in favour of the third parties. However, respondent No.4 without making the purchasers, namely the appellants, as party defendants filed the suit against the defendant, namely Sri Kolupula Narsaiah, only and obtained *ex parte* decree against the dead person. Basing on the said *ex parte* decree, respondent No.4 is not entitled to seek mutation of her name in the revenue records in respect of the subject land and the same is not binding upon the appellants and also not enforceable under law. In such circumstances, the learned Single Judge ought not to have set aside the mutation proceedings dated 25.05.2006 issued in favour of the appellants and the same is excess of jurisdiction.

9. For the foregoing reasons, the impugned order passed by the learned Single Judge is set aside and respondent No.4 is granted liberty to work out her remedies by approaching the competent Civil Court to establish her claim in respect of the subject property against the appellants and thereafter respondent No.4 is entitled to make necessary application for seeking mutation of her name in the revenue records.

10. To the aforesaid extent, the order passed by the learned Single Judge is modified.

11. Accordingly, the writ appeal is disposed of. No order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

**SD/-T. KRISHNA KUMAR
DEPUTY REGISTRAR**

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SECTION OFFICER

**One fair copy to the HON'BLE THE CHIEF JUSTICE ALOK ARADHE
(For His Lordship's Kind Perusal)**

AND

**One fair copy to the HON'BLE SRI JUSTICE J SREENIVAS RAO
(For His Lordship's Kind Perusal)**

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4. The Principal Secretary (Revenue), Secretariat, T.S., Hyderabad.
5. The District Collector, Siddipet District, Siddipet.
6. The Tahsildar, Gajwel Mandal, Siddipet District.
7. One CC to SRI. SRINIVASA RAO SIRIKONDA, Advocate [OPUC]
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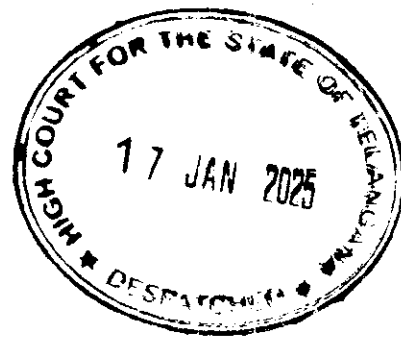
B M K
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HIGH COURT

DATED:07/01/2025

JUDGMENT

WA.No.42 of 2025



**DISPOSING OF THE WRIT APPEAL
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