

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE TWENTY FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

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

WRIT APPEAL NO: 1422 OF 2024

Writ Appeal under clause 15 of the Letters Patent against the Order Dated.30/10/2024 in W.P. No.30349 Of 2024 on the file of the High Court.

Between:

Bangaru Chennaiah, S/o Kondaiah, Aged about 70 years, Occ. Agriculture, R/o Mogiligidda Village, Farooqnagar Mandal, Ranga Reddy District

...APPELLANT

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District.
3. The Revenue Divisional Officer, Shadnagar, Ranga Reddy District.
4. The Tahsildar, Farooq Nagar Mandal, Ranga Reddy District
5. Bangaru Chandraiah, S/o Ramaiah, Aged 55 years, Occ. Business, R/o H.No. 13-148, Christian Colony, Farooq Nagar Mandal, Shadnagar, Ranga Reddy District.
6. Bangaru Krishnaiah, S/o Ramaiah, Aged 50 years, Occ. Pvt. Teacher, R/o H.No. 18-399/9/B, Gayatri Colony, Farooq Nagar Mandal, Shadnagar, Ranga Reddy
7. Paladu Buchi Ramulu, S/o Ramachandraiah, Aged 56 years, Occ.Business, H.No.1-64 GHR Buildings, Farooqnagai-, Shad Nagar, Ranga Reddy District.
8. Mohd Nawaz Ghori, S/o Azmeer Ghori, Aged 43 years, Occ. Agriculture, H.No.3-80/A, Peerlagadda, H/o Choulapally, Farooq Nagar Mandal, Shadnagar, Ranga Reddy District.
9. Md.Faizuddin, S/o Mohaboob Ghori, Aged 48 years, Occ.Business, H.No.4-91, Peerlagadda, H/o Choulapally, Farooq Nagar Mandal, Shadnagar, Ranga Reddy 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 suspend the impugned endorsement No. B/892/ 2024, dated Nil-09/2024 issued by the 4th respondent while directing the 2nd respondent to reconsider the Dharani application No. 2300157544, dated 21/10/2023 made by the petitioner for incorporating the missing extent of Ac.8-32 Gts in Sy.No. 476, situated at Elikatta Village, Farooq Nagar Mandal, Ranga Reddy District by following due procedure of law, pending disposal of the main Writ Petition.

Counsel for the Appellant : SRI KASU BAL REDDY

**Counsel for the Respondents: SRI MURALIDHAR REDDY KATRAM,
GP FOR REVENUE**

The Court delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1422 of 2024

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

This intra court appeal has been filed by the appellant invoking the provisions of Clause 15 of the Letters Patent aggrieved by the order dated 30.10.2024 passed by the learned Single Judge in W.P.No.30349 of 2024, by which the writ petition filed by the appellant was dismissed.

2. Heard Mr.Kasu Bala Reddy, learned counsel for the appellant, Mr.Muralidhar Reddy Katram, learned Government Pleader for Revenue appearing for respondent Nos.1 to 4, on the question of admission.

3. Facts giving rise to filing of this writ appeal briefly stated are that the appellant's father, namely late Bangaru Kondaiah, was the absolute owner and possessor of land to an extent of Ac.11.32 gts. in Sy.No.476 situated at Elikatti Village of Farooq Nagar Mandal, Ranga Reddy District and his name was recorded in Pahani Patrika from the year 1952-53. After his

death, the appellant and his two brothers succeeded the said property and the appellant was allotted land to an extent of Ac.3.37 gts. and his two brothers were allotted Ac.3.38 gts. each. The appellant averred that his two brothers sold their respective shares to him and his name was mutated in the revenue records to an extent of Ac.9.32 gts. and his wife got mutated to an extent of Ac.2.00 gts. and pattadar pass books and title deeds were issued in their favour. He further averred that after introduction of the Telangana Rights in Land and Pattadar Pass Books Act, 2020 (Act 9 of 2020), the appellant came to know that in e-pass book his name was mentioned for the land to an extent of Ac.0.39 gts., instead of Ac.9.32 gts. Thereafter, the appellant submitted an application to respondent Nos.2 to 4 requesting them to rectify the mistake with regard to the extent of land. When respondent Nos.2 to 4 failed to consider the said application, he approached this Court and filed writ petition, namely W.P.No.1851 of 2024, and the learned Single Judge of this Court disposed of the said writ petition on 25.01.2024 directing the respondents therein to consider the application submitted by the appellant and pass

appropriate orders. When the respondents failed to implement the said order, the appellant filed contempt case, namely C.C.No.1714 of 2024. During pendency of the contempt case, respondent No.4 passed order *vide* Proceedings No.B/892/2024 dated Nil.09.2024 stating that the land to an extent of Ac.0.39 gts. was recorded in the name of the appellant in RoR records from 1989-90 to 2020-2021 and the appellant is not entitled for correction of revenue records. Aggrieved by the said order, the appellant filed W.P.No.30349 of 2024 and learned Single Judge of this Court dismissed the said writ petition holding that the appellant raised several disputed questions of fact and the same cannot be adjudicated in the writ petition, however, granted liberty to the appellant to approach the competent civil Court for correction of entires in the revenue records. Aggrieved by the said order, the appellant filed the present writ appeal.

4. Learned counsel for the appellant submitted that the name of the appellant continued in the revenue records to an extent of Ac.9.32 gts. till Act 9 of 2020 came into force. Respondent, No.4 without properly considering the entries in

the revenue records and other documents, issued proceedings dated Nil.09.2024. Learned Single Judge without considering the said fact dismissed the writ petition. He further submitted that the appellant has been in possession of the land to an extent of Ac.9.32 gts. and doing agricultural operations. In such circumstances, respondent Nos.2 to 4 ought to have corrected the revenue entries.

5. Per contra, learned Government Pleader submitted that respondent No.4 after conducting detailed enquiry and after verifying the entire record issued impugned proceedings dated Nil.09.2024 and rightly rejected the claim of the appellant and the appellant ought to have approached the competent civil Court to establish his claim.

6. Having considered the submissions made by the respective counsel and after perusal of the material available on record, it reveals that respondent No.4 after due verification of RoR records 1979-1980 and new RoR records 1989-90 held that the land to an extent of Ac.0.39 gts. was recorded in the name of the appellant and no where recorded his name as pattadar to an extent of Ac.9.32 gts.

7. It is pertinent to mention herein that the appellant raised several disputed questions of fact that his name continued in the revenue records from the inception to an extent of Ac.9.32 gts., whereas the official respondents are disputing the same stating that the appellant's name was recorded in the revenue records only to an extent of Ac.0.39 gts. The said disputed questions of fact cannot be adjudicated in a summary proceeding under Article 226 of the Constitution of India, especially when the appellant is claiming rights over the property basing upon the revenue entries.

8. It is equally well settled legal principle that the disputed questions of fact cannot be decided in a summary proceeding under Article 226 of the Constitution of India as per the judgments of the Apex Court in **Shubhas Jain v. Rajeshwari Shivam¹** and **Radha Krishan Industries v. State of Himachal Pradesh²**.

1 2021 SCC OnLine SC 562
2 (2021) 6 SCC 771

9. For the foregoing reasons, this Court does not find any ground to differ with the view taken by the learned Single Judge.

10. Accordingly, the writ appeal is dismissed. No costs.

Miscellaneous applications pending, if any, shall stand closed.

**SD/- K. SAILESHI
DEPUTY REGISTRAR**

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SECTION OFFICER

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1. One CC to SRI KASU BAL REDDY, Advocate. [OPUC]
2. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
3. Two CD Copies.

BSK

GJP

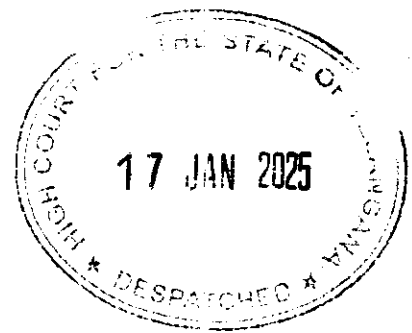
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HIGH COURT

DATED:24/12/2024

JUDGMENT

WA.No.1422 of 2024



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

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7/1/25