

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

**MONDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NO: 181 OF 2026

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 18/11/2025 in WP No 19745 of 2023 on the file of the High Court.

Between:

1. Chilkuri Lakshmi DIED, (died per LR's already on record as Petitioners 2 to 4)
 2. Chilkuri Lakshman, S/o.late C.Narsimha, Aged about 44 yrs., Occ. Agriculture,
 3. Chikuri Devender, S/o.late C.Narsimha, Aged about 39 yrs., Occ. Agriculture,
 4. Chilkuri Naresh, S/o. late C.Narsimha, Aged about 37 years, Occ. Agriculture,
- All are R/o.H.No.3-4-46, (5-1 & 5-2), Jeedimetla & Pet-Basheerabad Village, Quthbullapur Mandal, Medchal-Malkajgiri District.

...APPELLANTS

AND

1. The State of Telangana, Rep. by its Spl.Chief Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Medchal-Malkajgiri District, District Collectorate Complex, Shamirpet
3. The Addl. District Collector, Medchal-Malkajgiri District, District Collectorate Complex, Shamirpet
4. The Revenue Divisional Officer, Malkajgiri Division, Medchal-Malkajgiri Dist.
5. Smt.B.Nandini Raju, W/o.Ramalinga Raju R/o.Jubilee Hills, Hyderabad.
6. The District Registrar, Medchal Malkajgiri District
7. The Sub-Registrar, D.No.2-101/1, Suraram X Road, Quthbullapur, Medchal Malkajgiri Dist.
8. The Greater Municipal Corporation of Hyderabad, Rep. its Commissioner, Lower Tankbund, Hyderabad
9. The Zonal Commissioner, GHMC, Kukatpally Zone, Hyderabad.
10. Deputy Commissioner, GHMC, Quthbullapur Circle, Medchal Malkajgiri Dist.

IA NO: 1 OF 2026

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 respondent Nos 6 & 7 not to register any sale deed in respect of schedule land admeasuring Ac.05.04 gts., in Sy.No.26 and Ac.02.19 gts., in Sy.No.27 of Pet Basheerabad village, Quthbullapur Mandal, Medchal-Malkajgiri District, during the pendency of. Writ Appeal, in the interest of justice.

Counsel for the Appellants: SRI B.MAHENDER REDDY

**Counsel for the Respondent Nos.1 to 4, 6 & 7: SRI MURALIDHAR REDDY
KATRAM, GP FOR REVENUE**

**Counsel for the Respondent No.5: SRI A.VENKATESH FOR KUM. PRATYUSHA
BOPANNA**

**Counsel for the Respondent Nos.8 to10: SRI K.RAVI MAHENDER, SC FOR
GHMC**

The Court made the following: ORDER

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

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND**

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.181 of 2026

DATE: 16.02.2026

BETWEEN:

Chilkuri Lakshmi (died) and 3 others

....Appellants

AND

The State of Telangana and 9 others

....Respondents

JUDGMENT

This writ appeal, preferred under Clause 15 of the Letters Patent, assails the order dated 18.11.2025 passed by the learned Single Judge in W.P.No.19745 of 2023. By the impugned order, the learned Single Judge dismissed the writ petition filed by the appellants herein, thereby upholding the concurrent orders of the Revenue Divisional Officer (RDO), Malkajgiri Division (4th respondent) dated 23.07.2022 and the Additional District Collector, Medchal-Malkajgiri District (3rd respondent) dated 10.05.2023. The said authorities had rejected the appellants' application for grant of an Occupancy Rights Certificate (for short 'ORC') under the Telangana Abolition of Inams Act, 1955 (for short 'Inams Act') in respect of land admeasuring Ac.5.04 Gts in Sy.No.26 and Ac.2.19 Gts in Sy.No.27 of

Pet Basheerabad Village, Quthbullapur Mandal, Medchal-Malkajgiri District (hereinafter referred to as the 'schedule land').

2. Heard Sri B.Mahender Reddy, learned counsel appearing for the appellants; Sri Muralidhar Reddy Katram, learned Government Pleader for Revenue appearing for respondent Nos.1 to 4 and 7; Sri A.Venkatesh, learned Senior Counsel representing Kum.Pratyusha Boppana, learned counsel for respondent No.5 and Sri K.Ravi Mahender, learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC) appearing for respondent Nos.8 and 9 and perused the record.

Factual background (in brief)

3. The appellants claim to be the legal heirs and successors-in-interest of late Chilkuri Narsimha. It is their case that the schedule property originally belonged to their great-grandfather i.e., Chilkuri Balaiah, who is stated to have been the Inamdar of the land. Reliance is placed on the Khasra Pahani for the year 1954-55, wherein the name of Chilkuri Balaiah is recorded as Pattadar/Inamdar and the names of his sons, namely, Chilkuri Durgaiyah, Chinna Lachaiah and Lachaiah, are reflected as Hissadars. The appellants further refer to the Pahanis for the years 1972-73 and 1973-74, in which the name of Chilkuri Narsimha is shown in the cultivation column. On that basis, it is asserted that Chilkuri Narsimha was in personal cultivation of the land as on 01.11.1973, the crucial date under the Act, and

consequently, his legal heirs are entitled to the grant of ORC under Section 4 thereof.

4. The 5th respondent, Smt. B. Nandini Raju, on the other hand, claims title and possession over the schedule property by virtue of a registered sale deed bearing Document No.1928 of 1978, dated 06.11.1978, executed in her favour by 13 vendors, including Chilkuri Narsimha. The consideration recited therein is Rs.31,057/-.

5. Following the execution of the sale deed, mutation was effected in the revenue records in favour of the 5th respondent by the competent authority *vide* proceedings No.A/2/ROR/89 dated 21.08.1989, and her name was recorded as pattadar and possessor. A I-B extract bearing Khata No.27 was also issued in her favour.

6. The 5th respondent subsequently converted the land for non-agricultural use. A residential layout was approved by the competent municipal authority, namely the Municipal Commissioner, Quthbullapur Municipality, *vide* Layout No.12090/P2/H/90 dated 02.09.1996. Thereafter, the land was developed into residential plots, several of which have been alienated to third parties and constructions are stated to have been raised.

7. After a considerable lapse of time, the appellants submitted an application on 01.12.2021 before the 4th respondent-RDO seeking grant of ORC in respect of the schedule land.

8. The 4th respondent, after conducting an enquiry pursuant to directions issued by this Court dated 03.02.2022 in W.P.No.5762 of 2022 and after considering the report of the Tahsildar, rejected said application for ORC filed by the writ petitioners/appellants by order dated 23.07.2022. The appeal preferred thereagainst was dismissed by the 3rd respondent on 10.05.2023. The writ petition filed challenging the appellate order came to be dismissed by the learned Single Judge on 18.11.2025, aggrieved by which the present writ appeal has been preferred.

Submissions on behalf of appellants

9. Learned counsel appearing for the appellants made the following submissions:

- i. That the crucial and determinative date for considering entitlement to grant of ORC under the Inams Act is 01.11.1973, being the date of vesting, as recognized in the Abolition of Inams Act as well as the judicial precedents governing the field. Placing reliance upon the Pahani for the year 1973-74, it is submitted that the name of late Chilkuri Narsimha, the predecessor-in-interest of the appellants, is reflected in the cultivation column, thereby evidencing his possession and personal cultivation as on the crucial date. That the entitlement to seek grant of ORC stood crystallized on that date.

- ii. That subsequent events including the execution of the registered sale deed dated 06.11.1978 and the conversion of the land to non-agricultural use pursuant to layout approval in 1996, are wholly irrelevant for determining entitlement under Section 4 of the Act. That the authorities, erred in taking into account subsequent developments instead of confining their consideration to the position obtaining as on 01.11.1973.
- iii. That the sale deed of the year 1978 executed by, *inter alia*, Chilkuri Narsimha in favour of the 5th respondent is void and *non-est* in the eye of law, inasmuch as no ORC had been granted in favour of Chilkuri Narsimha as on the date of alienation. That in the absence of conferment of occupancy rights, the vendor had no transferable interest, and consequently, the sale deed cannot defeat the statutory claim of the appellants as legal heirs. Reliance was placed upon the Full Bench judgment of this Court in W.P.No.913 of 2002 and batch, dated 21.11.2022, to contend that a purchaser cannot claim the status of a successor-in-interest in derogation of the statutory scheme.
- iv. That the Inams Act does not prescribe any period of limitation for filing an application for grant of ORC. Therefore, the application submitted by the appellants in the year 2021 could not have been rejected on the ground of delay. Further, a

statutory right cannot be defeated solely on account of lapse of time in the absence of an express bar.

- v. That the case squarely falls under Section 4 of the Act, as the land was agricultural as on the date of vesting. The subsequent conversion of the land for non-agricultural purposes in 1996 would not attract the provisions of Section 9 of the Inams Act. That the observation of the appellate authority directing reference to the Special Tribunal under Section 24(2) was erroneous.
- vi. That the learned Single Judge erred in invoking the principles of delay, laches and acquiescence, though such grounds were neither the basis of the orders passed by the statutory authorities nor specifically pleaded by the respondents.

Submissions on behalf of the respondents

10. Learned Government Pleader appearing for respondent Nos.1 to 4 and 7; learned Senior Counsel appearing for the respondent No.5 and learned Standing Counsel appearing for respondent Nos.8 and 9 supported the order of learned Single Judge and made the following submissions:

- i. That the schedule property is 'Patta' land and not an 'Inam' land, and therefore the provisions of the Inams Act are not attracted at all. Attention was invited to the entries in the Sethwar, Khasra Pahani (1954-55) and Sesala Pahani (1955-58), particularly Column No.7, wherein the nature of the land is

recorded as 'Patta,' and the expression 'Kavalkar Inam' is stated to be the local description of the field. That in the absence of proof that the land is Inam land, the very foundation of the appellants' claim is untenable.

- ii. That the appellants' predecessor, Chilkuri Narsimha, was himself one of the vendors who executed the registered sale deed dated 06.11.1978 in favour of the 5th respondent and received consideration thereunder. The appellants, claiming through Chilkuri Narsimha, who was voluntarily alienated the property, cannot now dispute the transaction or assert rights inconsistent with his act.
- iii. That the nature and character of the land have undergone a complete transformation and is irrevocably altered. Pursuant to layout approval in 1996, the land has been developed into residential plots, several of which have been sold to third parties, and constructions have been raised. Civic infrastructure has been provided by the municipal authorities. At this belated stage, the long-standing third-party rights cannot be unsettled inasmuch as it would cause grave prejudice and immense hardship to the purchasers.
- iv. That the application filed in the year 2021 suffers from gross and unexplained delay and laches, being nearly four decades after the registered sale deed and several decades after the date of vesting. Even in the absence of a prescribed limitation period,

an applicant is required to approach the authorities within a reasonable time. Entertaining such stale claims would unsettle settled rights and defeat the principle of finality.

- v. That in view of the admitted conversion of the land to non-agricultural use and approval of layout, the matter attracts the provisions of Section 9 of the Inams Act. In terms of Section 24(2) read with the relevant Rules, any dispute regarding the applicability of Section 9 is required to be referred to the Special Tribunal. That the observation of the appellate authority to that effect, is legally sustainable and the appellants' stand to pursue a remedy before the revenue authorities is untenable.

11. We have taken note of the respective contentions urged and perused the material on record.

Consideration by this Court

12. On perusal of the record, it is pertinent to note that in the instant case a preliminary objection has been raised on behalf of the 5th respondent that the schedule property is 'Patta' land and not 'Inam' land, and therefore the provisions of the Inams Act would have no application. Reliance is placed upon the entries in the Sethwar and the early revenue records, including the Khasra Pahani (1954-55) and Sesala Pahani (1955-58), wherein Column No.7 reflects the nature of the land as 'Patta,' though the field bears the local name 'Kavalkar Inam.'

13. It is to be noted that although the nature of the tenure is a relevant factor in proceedings under the Inams Act, it is not necessary, for the purpose of adjudication of the present appeal, to record a definitive finding on that disputed question of fact. Irrespective of whether the land is treated as Inam land attracting the provisions of the Act, the appellants' claim is liable to fail on more than one fundamental grounds, namely, estoppel arising from the conduct of their predecessor, inordinate and unexplained delay, and the legal consequences ensuing from the subsequent conversion and change in land use.

14. In the present case, it is not in dispute that Chilkuri Narsimha, through whom the appellants claim title, was one of the executants of the registered sale deed dated 06.11.1978 executed in favour of the 5th respondent. The said sale deed is a registered document forming part of the record. The recitals therein disclose receipt of consideration and transfer of possession pursuant thereto. In such circumstances, the contention of the appellants that, in the absence of an ORC as on the date of sale, the vendor had no transferable interest and that the sale is void, cannot be accepted.

15. It is the specific case of the appellants that Chilkuri Narsimha was entitled to seek grant of occupancy rights as on 01.11.1973. However, the undisputed position is that he executed a registered sale deed transferring his right, title and interest in the property in favour

of the 5th respondent. Chilkuri Narasimha, who is predecessor-in-interest of the appellants' having voluntarily conveyed his interest under a registered instrument, it is not open to his legal heirs, after a considerable lapse of time, to assert a claim which runs contrary to and is inconsistent with the said transfer.

16. The principle that a person cannot approbate and reprobate squarely applies. A successor-in-interest cannot claim a better right than that of his predecessor and cannot ignore a binding and registered act of transfer executed by such predecessor. The appellants, claiming through the vendor, are bound by the consequences of the said conveyance.

17. It is relevant to note that the crucial date for determining entitlement under the Act is 01.11.1973. The sale deed was executed in 1978. Mutation was effected in favour of the 5th respondent in 1989. A layout was sanctioned in 1996. Residential plots were formed and alienated to several third parties. Constructions have been raised and civic amenities have been provided. Despite these developments, the appellants chose to approach the authorities only in the year 2021, nearly four decades after the sale deed and almost half a century after the date of vesting. No satisfactory explanation is forthcoming for such prolonged inaction.

18. It is well settled that the relief can be denied on the ground of gross delay and laches, particularly where third-party rights have

intervened and the character of the property has undergone irreversible change. Entertaining such stale claims would unsettle long-settled rights and cause serious prejudice to *bona fide* purchasers who have acted on the strength of registered documents and official records.

19. The Hon'ble Supreme Court in ***State of M.P. v. Nandlal Jaiswal***¹, has held as under:

24. Now, it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction. The evolution of this rule of laches or delay is premised upon a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy under the writ jurisdiction because it is likely to cause confusion and public inconvenience and bring in its train new injustices. The rights of third parties may intervene and if the writ jurisdiction is exercised on a writ petition filed after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. When the writ jurisdiction of the High Court is invoked, unexplained delay coupled with the creation of third party rights in the meanwhile is an important factor which always weighs with the High Court in deciding whether or not to exercise such jurisdiction.....

(emphasis supplied)

20. It is an admitted position on record that the subject land was converted to non-agricultural use pursuant to approval granted by the competent municipal authority and that a layout was duly sanctioned in the year 1996. Consequent upon such conversion and development, the land has ceased to retain its agricultural character.

¹ (1986) 4 SCC 566

The statutory framework draws a clear distinction between agricultural inam lands and lands which stand converted to non-agricultural purposes. Where a dispute arises as to whether a particular land falls within the category of non-agricultural land under the Act, the statute contemplates determination by the prescribed authority in accordance with the procedure laid down therein.

21. In view of the said undisputed conversion of the land and approval of layout, a substantial issue arises as to the applicability of the provisions governing non-agricultural lands. In such circumstances, the jurisdiction of the revenue authorities is necessarily subject to the statutory limitations imposed by the Act. The observation of the appellate authority that the matter requires to be dealt with in accordance with the statutory mechanism cannot be said to be erroneous. Therefore, the contention of the appellants that occupancy rights ought to have been granted under Section 4, disregarding the subsequent conversion and the statutory consequences flowing therefrom, is devoid of merit.

22. The appellants have placed considerable reliance upon the Full Bench judgment in W.P.No.913 of 2002 and batch, wherein it was held that a purchaser from an Inamdar does not fall within the expression 'successor-in-interest' so as to maintain an application for grant of occupancy rights. The principle enunciated therein is not in

dispute and continues to hold the field. However, on a careful reading of the said judgment, it is evident that the issue before the Full Bench was confined to the entitlement of a purchaser to seek occupancy rights in his own capacity.

23. In the context of the controversy at hand, the claim is not by a purchaser asserting independent entitlement, but by the legal heirs of a vendor who, under a registered conveyance, had alienated the property and divested himself of his right, title and interest decades earlier. The Full Bench in the above said judgement did not lay down that every alienation effected by an Inamdar prior to grant of an ORC is to be treated as void for all purposes, irrespective of subsequent events. Nor did it consider a situation where the transferor or those claiming through him, after long acquiescence and after substantial changes in the character of the land and third-party interests having intervened, seek to reassert rights inconsistent with their own earlier act. Therefore, properly construed, the ratio of the aforesaid Full Bench decision does not govern the present appeal and is distinguishable. The facts and circumstances of the present case are completely different from the factual background in which the judgment of the Full Bench was rendered.

Conclusion

24. In the light of the aforesaid discussion, this Court is of the considered view that the admitted execution of the registered sale

deed in 1978 by the appellants' predecessor, an instrument which was acted upon and followed by mutation and subsequent development of the property, the appellants cannot, after the lapse of several decades, set up a claim contrary to or inconsistent with the said transfer. The application for ORC filed in 2021 is vitiated by gross and unexplained delay, particularly when third-party rights have intervened and the land has been converted pursuant to a sanctioned layout. The statutory scheme governing such converted lands further circumscribes the jurisdiction of the revenue authorities. Therefore, no ground is made out warranting interfere with the impugned order of the learned Single Judge dated 18.11.2025 in W.P.No.19745 of 2023.

25. Accordingly, the Writ Appeal is dismissed. The impugned order dated 18.11.2025 passed by the learned Single Judge in W.P.No.19745 of 2023 is affirmed. The orders of the statutory authorities rejecting the appellants' application for grant of occupancy rights consequently stand confirmed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Sd/-MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

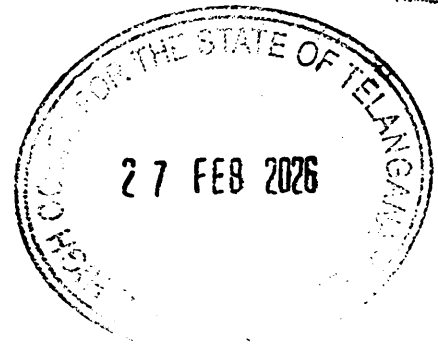
1. One CC to SRI B. MAHENDER REDDY, Advocate [OPUC]
2. One CC to KUM.PRATHYUSHA BOPANNA, Advocate [OPUC]
3. One CC to SRI K. RAVI MAHENDER REDDY, SC FOR GHMC [OPUC]
4. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad . [OUT]
5. Two CD Copies

HIGH COURT

DATED:16/02/2026

ORDER

WA.No.181 of 2026



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

GMT
27/2/26