

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

**TUESDAY, THE FOURTH DAY OF AUGUST
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: 796 OF 2026

Writ Appeal under clause 15 of the Letters Patent Appeal Preferred Against the Order Dated 29/06/2026, in W.P. No. 16773 of 2026 on the file of the High Court.

Between:

Smt. Chenna Sulochana @ Donthula Sulochana, D/o. Late Chenna Chinnaiah, W/o. Donthula Laxminarayana, Age about 63 years, Occ. Housewife, Native of Brahmanpally (V), Jakranpally (M) Presently R/o. H.No. 2-1-292/102, Vegetable Market, Nallakunta, Hyderabad - 500044.

...APPELLANT

AND

1. Munnuru Kapu Sangam, Brahmanpalli Village, Jakranpally Mandal, Nizamabad District, Represented by its President B.Gangadhar S/o Mallaiah, Aged 50 years.
2. The State of Telangana, Rep. by its Principal Secretary to the Panchayat Raj and Rural Development Department, Secretariat Buildings, Hyderabad.
3. The Collector (Panchayat Wing), Nizamabad District, Nizamabad.
4. The Mandal Parishad Development Officer, Jakranpally Mandal, Jakranpally, Nizamabad District.
5. The Gram Panchayat, Brahmanpalli Village, Jakranpally Mandal, Nizamabad District, Rep. by its Panchayat Secretary.

...RESPONDENTS

I.A. 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 suspend

the order dated 29/06/2026 passed in W.P.No. 16773 of 2026 pending disposal of the Writ Appeal in the interest of justice.

Counsel for the Appellant: SRI. D LAXMINARAYANA

Counsel for the Respondents No 1: SRI K. VENU MADHAV

Counsel for the Respondent No.2 & 3: Ms SHAZIA PARVEEN,

GP FOR PANCHAYAT RAJ AND RURAL DEVELOPMENT

Counsel for the Respondent No.4 & 5: SRI K. PRADEEP REDDY,

SC FOR GRAM PANCHAYAT

The Court made the following: JUDGMENT

**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.796 of 2026

DATE: 04.08.2026

Between:

Chenna Sulochana

....Appellant

And

Munnuru Kapu Sangam,
Brahmanpalli Village and 4 others

....Respondents

JUDGMENT

Heard Sri D.Laxminarayana, learned counsel for the appellant; Sri K.Venu Madhav, learned counsel for respondent No.1; Ms.Shazia Parveen, learned Government Pleader for Panchayat Raj appearing for respondent Nos.2 and 3; Sri K.Pradeep Reddy, learned Standing Counsel for Telangana Gram Panchayat appearing for respondent Nos.4 and 5 and perused the record.

2. This writ appeal is preferred under Clause 15 of the Letters Patent, against the order dated 29.06.2026 passed by the learned Single Judge in W.P.No.16773 of 2026. By the said order, the learned Single Judge has set aside the proceedings of the District Collector (Panchayat Wing), Nizamabad, dated 10.04.2026, which

had cancelled the mutation of the subject property in favour of the writ petitioner (1st respondent herein) and directed restoration of the name of the original owner, late Chenna Chinnaiah and also granted liberty to the parties to approach competent Civil Court to establish their rights, title and possession over the subject property.

Factual matrix

3. The subject matter of the present proceedings relates to property bearing Gram Panchayat House No.3-124, situated at Brahmanpally Village, Jakranpally Mandal, Nizamabad District, admeasuring 2,420 Sq. Yds (21,780 Sq. Ft.) (hereafter referred to as the 'subject property'). The appellant claims that the said property originally belonged to her father, late Chenna Chinnaiah, and that, being his sole surviving legal heir, she succeeded to the property upon his demise.

4. The writ petitioner/1st respondent claims title and possession over the subject property under a registered Sale Deed dated 17.06.2017 bearing Document No.2420 of 2017, stated to have been executed by one Sri Gurai Rajanna. According to the writ petitioner, Sri Gurai Rajanna had earlier acquired the property from the legal heirs of late Chenna Chinnaiah under an unregistered Sada Bainama dated 18.07.2001. It is further case of the writ petitioner that its name had been mutated in the Gram

Panchayat records vide Gram Panchayat Proceedings No.49 of 2016, dated 13.04.2016.

5. Questioning the aforesaid mutation proceedings, the appellant preferred an appeal under Section 121 of the Telangana Panchayat Raj Act, 2018 (for short '2018 Act') before the District Collector (Panchayat Wing), Nizamabad. Upon conducting an enquiry and taking into consideration, *inter alia*, the report of the Forensic Science Laboratory (FSL), which disclosed dissimilarities in the signatures appearing on the Sada Bainama dated 18.07.2001, the District Collector, by proceedings dated 10.04.2026 in Proc.No.B3/115/2025, allowed the appeal and cancelled the mutation effected in favour of the writ petitioner.
6. Aggrieved by the said order of the District Collector, the writ petitioner instituted W.P.No.16773 of 2026. The learned Single Judge, by order dated 29.06.2026, held that the dispute between the parties essentially involved questions relating to title and possession over the subject property, which could only be adjudicated by a competent Civil Court. Consequently, while granting liberty to the parties to work out their remedies before the Civil Court, the learned Single Judge set aside the order dated 10.04.2026 passed by the District Collector.
7. Aggrieved thereby, the appellant has preferred the present Writ Appeal.

Submissions on behalf of the appellant

8. Learned counsel appearing for the appellant, assailed the impugned order and has advanced the following submissions:

- i) That the subject property originally belonged to late Chenna Chinnaiah, who died intestate, and the appellant, being his sole surviving legal heir, succeeded to the property by inheritance and is, therefore, entitled to have her rights duly reflected in the Gram Panchayat records.
- ii) That the 1st respondent/writ petitioner has no lawful title or *locus* to claim ownership over the subject property. The very foundation of its claim is an unregistered 'Sada Bainama' (unregistered sale deed) dated 18.07.2001 allegedly executed in favour of Sri Gurai Rajanna, on the basis of which a registered Sale Deed dated 17.06.2017 bearing Document No.2420 of 2017 came to be executed in favour of the writ petitioner. It was contended that an unregistered Sada Bainama does not convey title to immovable property in view of Section 54 of the Transfer of Property Act, 1882 (for short 'the 1882 Act'). In support of the said contention, reliance was placed upon the judgment of the Hon'ble Supreme Court in ***Suraj Lamp & Industries Pvt. Ltd. v. State of***

Haryana¹, wherein it was held that title to immovable property can be transferred only through a duly registered conveyance and not by way of unregistered documents.

- iii) That the District Collector, while deciding the statutory appeal, rightly relied upon the report of the Telangana FSL, which categorically disclosed dissimilarities between the admitted signatures and the signatures appearing on the alleged Sada Bainama dated 18.07.2001, thereby rendering the document highly doubtful and incapable of conferring any right upon the writ petitioner.
- iv) That the learned Single Judge committed a serious error in passing the impugned order without duly considering the detailed counter affidavit filed by the appellant, wherein the entire sequence of events, including the alleged fraudulent creation of documents and the circumstances surrounding the mutation proceedings, had been specifically brought to the notice of the Court.
- v) That the mutation proceedings dated 13.04.2016 themselves stood vitiated by fraud, inasmuch as the mutation notice was addressed to late Chenna Chinnaiah, who had expired in the year 1983, and no notice whatsoever was issued to the appellant, who is his sole legal heir. According to the learned counsel, the mutation was thus effected behind the back of

¹ (2012) 1 SCC 656

the appellant and in violation of the principles of natural justice.

- vi) That the objection regarding limitation under Section 122 of the 2018 Act is wholly misconceived. It was argued that the appellant acquired knowledge of the impugned mutation and the alleged fraudulent transactions only in November, 2024, whereafter she promptly secured the relevant records and preferred the statutory appeal under Section 121 of the Act. That in cases where fraud is alleged, limitation commences only from the date of knowledge, and therefore, the appeal is within limitation.
- vii) That the learned Single Judge ought not to have interfered with the reasoned order passed by the District Collector and ought to have relegated the parties to avail remedy before civil Courts without setting aside the order of the District Collector, which had restored the revenue records after taking into consideration the forensic report and the material available on record.

Submissions on behalf of the respondents

9. Learned counsel appearing for the 1st respondent, learned Government Pleader appearing for respondent Nos.2 and 3 and learned Standing Counsel appearing for respondent Nos.4 and 5 have advanced the following submissions:

- i) That as seen from the record, the writ petitioner is the absolute owner and possessor of the subject property, having purchased the same under a registered Sale Deed dated 17.06.2017 bearing Document No.2420 of 2017 executed by Sri Gurai Rajanna. It was further submitted that the writ petitioner's name had been duly mutated in the Gram Panchayat records *vide* Gram Panchayat Proceedings No.49 of 2016 dated 13.04.2016. Pursuant thereto, the writ petitioner obtained building permission from the Gram Panchayat on 04.05.2018 and constructed a function hall in accordance with the sanctioned plan, and has been in peaceful possession and enjoyment of the property ever since.
- ii) That the mutation in favour of the writ petitioner was effected as early as 13.04.2016 and remained unquestioned for nearly ten years. The appellant preferred the statutory appeal before the District Collector only in the year 2024, which was *ex facie* barred by limitation under Section 122 of the 2018 Act, prescribing a limitation period of thirty days. It was, therefore, submitted that the District Collector ought not to have entertained such a belated appeal.
- iii) That the District Collector lacked jurisdiction to adjudicate disputed questions of title. According to the respondents, the

controversy between the parties involves complicated questions of fact and law concerning the validity of the alleged Sada Bainama dated 18.07.2001, the allegations of fraud, the competing claims of succession, and the respective title of the parties, all of which can be adjudicated only by a competent Civil Court and not in proceedings relating to mutation.

- iv) That the District Collector herself recorded a categorical finding in the impugned proceedings that her office lacked jurisdiction to decide issues relating to civil rights and title and that such disputes are required to be adjudicated by the competent Civil Court. Having recorded such a finding, the District Collector committed a manifest error in proceeding to cancel the mutation effected in favour of the writ petitioner.
- v) That the learned Single Judge rightly set aside the proceedings of the District Collector and relegated the parties to avail their remedies before the competent Civil Court. It was contended that mutation entries are maintained only for fiscal and administrative purposes and neither create nor extinguish title over immovable property.

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

Consideration by this Court

11. In the present case the appellant's contention itself demonstrates that the dispute between the parties essentially concerns competing claims of title, the validity of the alleged Sada Bainama dated 18.07.2001, allegations of fraud, and succession to the subject property. These are matters which cannot be conclusively determined in mutation proceedings and necessarily require adjudication by a competent Civil Court upon appreciation of oral and documentary evidence.

12. It is a settled law that mutation entries in revenue or Gram Panchayat records neither create nor extinguish title to immovable property. Such entries are maintained primarily for fiscal and administrative purposes, including the assessment and collection of taxes, and do not confer any proprietary rights upon the person in whose favour the mutation is effected. The appellant has placed reliance upon the decision of the Hon'ble Supreme Court in **Suraj Lamp's** case (supra 1) to contend that an unregistered Sada Bainama does not convey title to immovable property.

13. As rightly observed by the learned Single Judge, the dispute between the parties is essentially one relating to title and consequential civil rights over the subject property. The adjudication of such issues necessarily requires a detailed

examination of the rival claims, the validity and evidentiary value of the documents relied upon by the parties, and other disputed questions of fact, which fall within the exclusive domain of the competent Civil Court.

14. A perusal of the proceedings dated 10.04.2026 passed by the District Collector discloses that the Collector herself recorded a categorical finding that *“this Court/Office does not have the jurisdiction to settle the consequential prayers relating to civil in nature, which can be adjudicated before the appropriate forum.”* Having arrived at such a conclusion, the Collector nevertheless proceeded to cancel the mutation effected in favour of the writ petitioner. Such a course was clearly beyond the scope of the jurisdiction vested in the appellate authority under the 2018 Act.

15. It is pertinent to note that the appellate power conferred under Section 121 of the 2018 Act is intended to examine the legality and correctness of administrative actions taken by the Gram Panchayat in relation to mutation proceedings. The said provision does not empower the appellate authority to adjudicate disputed questions relating to title, succession, fraud, or the validity of documents, all of which fall within the exclusive domain of the competent Civil Court. Further, the view taken by the learned Single Judge that in the absence of jurisdiction to adjudicate civil disputes, the District Collector ought not to have

proceeded to cancel the mutation, does not warrant interference. The learned Single Judge was justified in setting aside the order of the District Collector while leaving it open to the parties to establish their respective rights, title and possession before the competent Civil Court.

16. Section 122 of the 2018 Act prescribes a period of limitation of thirty days for preferring an appeal before the District Collector. In the present case, the mutation proceedings were issued on 13.04.2016, whereas the appellant preferred the appeal only on 28.11.2024, after a lapse of nearly eight years and seven months. The appellant seeks to explain the delay by contending that she acquired knowledge of the impugned mutation and the alleged fraud only in November, 2024 and that the appeal was preferred immediately thereafter.

17. The plea advanced by the appellant that the alleged fraud came to her knowledge only in November, 2024, and that limitation would commence from the date of such knowledge, cannot be examined in isolation. Equally, the contention of the writ petitioner that the appeal was barred by limitation raises questions as to when the appellant acquired actual or constructive knowledge of the mutation, whether there was any suppression of material facts, and whether the plea of fraud is sustainable on the evidence. These are disputed questions of fact which necessarily require

appreciation of oral and documentary evidence and cannot be satisfactorily adjudicated in proceedings arising out of mutation or in the exercise of writ jurisdiction.

18. Further, the appellant has alleged that the Sada Bainama dated 18.07.2001 is a forged document and that the mutation in favour of the writ petitioner was secured in collusion with the then Panchayat Secretary. In support of the said allegations, reliance has been placed on the report of the Telangana Forensic Science Laboratory, which, according to the appellant, discloses dissimilarities in the signatures appearing on the said document.

19. It is to be noted that the question as to whether the Sada Bainama is genuine, whether the mutation was procured by fraud, whether the subsequent registered Sale Deed dated 17.06.2017 conveys a valid title, and the legal consequences flowing therefrom, are all disputed questions involving mixed questions of fact and law. The adjudication of these issues necessarily requires appreciation of oral and documentary evidence, which falls outside the scope of the jurisdiction exercisable by the District Collector under the 2018 Act as well as the writ Court in exercise of Article 226 of the Constitution of India.

20. In this regard, the learned Single Judge has rightly observed that the dispute between the parties essentially relates to title and consequential civil rights. In such circumstances, relegating the

parties to the competent Civil Court is not only proper but also in consonance with the settled legal position. This Court is unable to accept the contention of the appellant that in view of the proposition laid down in the decisions in ***Komatireddy Janakiram Reddy v. The State of Telangana***² and ***Suraj Lamp & Industries Pvt. Ltd.*** (supra 1) interference with the impugned order by this Court is warranted. The controversy in the present case involves disputed questions relating to title and alleged fraud, which can appropriately be adjudicated only by the competent Civil Court.

Conclusion

21. For the foregoing reasons, this Court is of the considered view that the learned Single Judge has rightly held that the dispute between the parties pertains to title and consequential civil rights, which cannot be adjudicated in mutation proceedings and are required to be determined by the competent Civil Court. Therefore, this Court finds no ground warranting interference with the impugned order. The writ appeal is devoid of merit.

22. Accordingly, the Writ Appeal is dismissed. The order dated 29.06.2026 passed by the learned Single Judge in W.P.No.16773 of 2026 is affirmed. It is, however, made clear that the parties are at

² W.A.No.651 of 2021 dated 04.02.2022

liberty to avail their remedies before the competent Civil Court, where all issues shall be decided on their own merits, in accordance with law, and uninfluenced by any observations made in the order of the learned Single Judge or in the present judgment.

As a sequel, miscellaneous petitions, pending if any, stand closed. No costs.

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**SD/- V.HARI PRASAD
DEPUTY REGISTRAR**


SECTION OFFICER

To,

1. One CC to SRI. D LAXMINARAYANA, Advocate [OPUC]
2. Two CCs to GP FOR PANCHAYAT RAJ AND RURAL DEVELOPMENT, High Court for the State of Telangana At Hyderabad. [OUT]
3. One CC to SRI K. PRADEEP REDDY, SC FOR GRAM PANCHAYAT [OPUC]
4. One CC to SRI K. VENUMADHAV, Advocate [OPUC]
5. Two CD Copies

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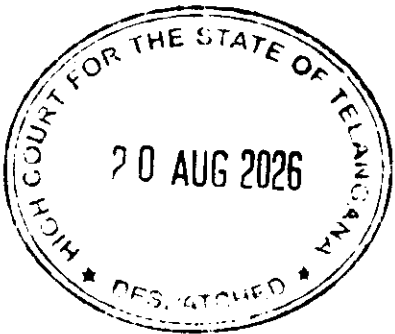


HIGH COURT

DATED: 04/08/2026

JUDGMENT

WA.No.796 of 2026



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

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