

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

**AT HYDERABAD**

**TUESDAY, THE ELEVENTH 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: 789 OF 2026**

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 30-04-2026 in W P No 7905 of 2021 on the file of the High Court.

**Between:**

A. Satyamma, w/o Ram Reddy, Aged 67 yrs, Occ: Household, R/o H.No.12-308, Bellampally Road, Opp Mahi Motors, Mancherial, Mancherial District

**...APPELLANT**

**AND**

1. The State of Telangana,, Rep. by its Principal Secretary to Government, Municipal Administration and Urban Development Department, Secretariat, Hyderabad, T.S.
2. The Municipal Council, Mandamarri Municipality, Mandamarri, Mancherial District.
3. The Mandamarri Municipality,, Rep. by its Commissioner. Mandamarri, Mancherial District
4. D. Rajamani, W/o Late Shankaraiah, Age Major, Occ Housewife, R/o Plot No.16, HLP Meadows, Beeramguda, Sangareddy District, presently at G-2, Creative Towers, Next to- Hallmark Tranquil, Puppalaguda, Hyderabad

**...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 direct the 3rd respondent to incorporate the name of the petitioner in municipal records in

respect of her house bearing number 41-153 situated near Old Bus Stand Area, Mandamarri, Mancherial District by suspending the proceedings of the 3' respondent dt.14-12-2020 vide no.A1/416/2018-19, pending disposal of the Writ Appeal

**Counsel for the Appellant: SRI A. PRANEETH, REPRESENTING  
SRI P LAKSHMA REDDY**

**Counsel for the Respondent No.1: GP FOR MCPL ADMN URBAN DEV  
Counsel for the Respondent No.2 & 3: Ms. SHARVANI GUDIPATI,  
REPRESENTING SRI KRISHNA REDDY PUTTA, SC FOR MUNICIPALITIES  
Counsel for the Respondent No.4: SRI K. SRINIVASA REDDY**

**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.789 of 2026**

**DATE: 11.08.2026**

**Between:**

A. Satyamma

**....Appellant**

**And**

The State of Telangana, rep. by its  
Principal Secretary, Municipal  
Administration and Urban Development,  
and 3 others

**....Respondents**

**JUDGMENT**

Heard Sri A.Praneeth, learned counsel representing Sri P.Lakshma Reddy, learned counsel appearing for the appellant; Ms.Sharvani Gudipati, learned counsel representing Sri Krishna Reddy Putta, learned Standing Counsel for Municipalities appearing for respondent Nos.2 and 3; Sri K.Srinivasa Reddy, learned counsel for respondent No.4 and perused the record.

**2.** This writ appeal is preferred under Clause 15 of the Letters Patent, against the order dated 30.04.2026 passed by the learned Single Judge in W.P.No.7905 of 2021. By the said order, the learned Single Judge dismissed the writ petition filed by the appellant herein. The writ petition sought to challenge the proceedings of the 3<sup>rd</sup>

respondent-Municipality dated 14.12.2020, whereby the appellant was directed to approach the competent civil Court for adjudication of title over the property in question, instead of restoring her name in the municipal records.

### **Factual matrix**

3. The appellant claims to be the absolute owner and possessor of houses bearing Nos.41-153 and 41-156 situated at Old Bus Stand Area, Mandamarri, Mancherial District. According to the appellant, she purchased the land in the year 1979 under registered Sale Deed bearing Document No.4133/1979 dated 10.04.1979 and obtained permission for construction on 06.11.1979 *vide* Rc.No.158/GPM/79 from the then Gram Panchayat, Mandamarri. The appellant constructed the houses in the year 1980 and claims to have remained in possession and enjoyment thereof thereafter, with her name recorded in the municipal records and property tax being regularly paid.

4. The appellant's husband, being a Government employee liable to periodical transfers, resided outside Mancherial along with his family for some years in connection with his employment and the education of their children. According to the appellant, during this period, the subject property was let out to respondent No.4. Upon returning to Mancherial in 2018, the appellant claims to have learnt

that house bearing No.41-153 had been mutated in the name of respondent No.4 in the municipal records without notice to her.

**5.** Pursuant to the appellant's application dated 06.11.2018 seeking information regarding the mutation, the 3<sup>rd</sup> respondent, by communication dated 11.06.2019, informed her that the mutation in favour of respondent No.4 was based on an unregistered simple sale deed dated 04.04.1998. The appellant thereafter submitted an application dated 21.10.2019 seeking restoration of her name in the municipal records. As no action was taken thereon, the appellant filed W.P.No.1780 of 2020, which was disposed of on 29.01.2020 directing the respondents to consider her application and pass appropriate orders within three weeks. As the said direction was allegedly not complied with, the appellant filed C.C.No.852 of 2020, pursuant to which the 3<sup>rd</sup> respondent passed the order dated 14.12.2020, directing the appellant to approach the competent civil Court for declaration of title and declining to restore her name in the municipal records.

**6.** Aggrieved thereby, the appellant filed the underlying W.P.No.7905 of 2021. The learned Single Judge, by order dated 30.04.2026, dismissed the writ petition, principally observing that the validity of the unregistered sale deed dated 04.04.1998 and the *inter se* title dispute between the parties required adjudication by a

competent Civil Court, and also noticing the delay and laches on the part of the appellant in approaching the authorities.

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 mutation in favour of the 4<sup>th</sup> respondent was effected without issuing notice to the appellant, in violation of Rule 3 of the Andhra Pradesh Municipalities (Alteration of Ownership of Property in Assessment Books) Rules, 1966 (for short '1966 Rules'). The said Rule mandates issuance of notice to the existing owner before alteration of the entries and contemplates an enquiry where the owner objects to the proposed alteration. That the failure to follow the prescribed procedure vitiates the mutation proceedings.
- ii) That the claim of the 4<sup>th</sup> respondent rests upon an unregistered simple sale deed dated 04.04.1998, the genuineness and execution of which have been specifically denied by the appellant, including her signature thereon. It was contended that such an unregistered document could not confer title upon the 4<sup>th</sup> respondent and could not constitute a

valid basis for mutation. It was further pointed out that while the alleged sale deed names Sri Dasari Shankaraiah, husband of the 4<sup>th</sup> respondent, as the vendee, the mutation was effected in the name of the 4<sup>th</sup> respondent herself.

- iii) That the appellant had specifically alleged that the sale deed dated 04.04.1998 was forged and fabricated and the mutation was obtained by playing fraud; and that as the issue of fraud goes to the root of the transaction, delay or laches ought not to defeat the appellant's claim. Reliance was placed upon the judgments of the Hon'ble Supreme Court in **S.P. Chengalvaraya Naidu (dead) by L.Rs. v. Jagannath (dead) by L.Rs. and others**<sup>1</sup> and **Meghmala and others v. G. Narasimha Reddy and others**<sup>2</sup>.
- iv) That possession originating from a tenancy is permissive in nature and cannot, merely by lapse of time, ripen into adverse possession against the true owner. According to the learned counsel, the 4<sup>th</sup> respondent could not derive any independent right or title merely on the basis of possession or on account of the letting out of the premises to third parties.
- v) That the Municipality itself had recorded that its records relating to changes in municipal entries prior to 2009 were not available. Such non-maintenance or loss of official records

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<sup>1</sup> AIR 1994 SC 853

<sup>2</sup> (2010) 10 SCR 47

could not be used to the detriment of the appellant or to sustain an otherwise disputed mutation.

- vi) That the learned Single Judge erred in drawing an adverse inference against the appellant merely because she had resided outside Mancherial for some years owing to her husband's employment-related transfers. Mere absence from the locality, according to the learned counsel, could not amount to acquiescence in the alleged illegal mutation or abandonment of the appellant's claim to the property.
- vii) That entries in municipal records and payment of property tax are primarily fiscal in nature and do not, by themselves, confer or extinguish title to immovable property. According to the appellant, her title flowed from the registered sale deed of 1979, whereas the claim of the 4<sup>th</sup> respondent was founded upon the disputed and unregistered sale deed dated 04.04.1998.
- viii) That having allegedly effected the mutation without notice to the appellant, the 3<sup>rd</sup> respondent could not have simply directed her to approach the civil Court without first addressing the alleged procedural illegality in the mutation. Such a course, according to the learned counsel, would unnecessarily compel the appellant to institute fresh civil



proceedings for an illegality allegedly committed in the municipal records.

**Submissions on behalf of respondent Nos.2 and 3**

9. Learned Standing Counsel appearing for respondent Nos.2 and 3 advanced the following submissions:

- i) That the office records relating to changes in the municipal records prior to 2009 were not available. From the year 2009 onwards, the name of the 4<sup>th</sup> respondent has been reflected as the owner of the subject property and she has been paying property tax.
- ii) That there exists a dispute as to title between the appellant and the 4<sup>th</sup> respondent. While the appellant denies her signature on the unregistered sale deed dated 04.04.1998, the 4<sup>th</sup> respondent relies upon the said document as the basis of her claim. In such circumstances, the Municipality, being a quasi-judicial authority exercising limited jurisdiction in matters relating to mutation, cannot adjudicate upon the title of the parties, which falls within the jurisdiction of the competent civil Court.
- iii) That the proceedings dated 14.12.2020 were passed upon consideration of the material placed by both parties and after hearing them. In view of the disputed title and the competing

claims founded upon the alleged sale deed, the 3<sup>rd</sup> respondent rightly directed the parties to approach the competent civil Court for adjudication of their respective title claims.

**Submissions on behalf of respondent No.4**

**10.** Learned counsel appearing for respondent No.4 advanced the following submissions:

- i) That the subject property was purchased from the appellant under an unregistered simple sale deed dated 04.04.1998, pursuant to which possession was handed over to the 4<sup>th</sup> respondent. The 4<sup>th</sup> respondent has thereafter been asserting her ownership and possession over the property.
- ii) That the 4<sup>th</sup> respondent and her family have been in continuous possession and enjoyment of the subject property since 1998. The premises were subsequently let out to third parties and the rents were being received by the 4<sup>th</sup> respondent.
- iii) That the name of the 4<sup>th</sup> respondent has been reflected in the municipal property tax records and she has been regularly paying property tax. The 4<sup>th</sup> respondent produced property tax receipts including receipts for the years subsequent to 1998, in support of her possession and enjoyment of the property.

- iv) That the appellant, on the other hand, has produced a property tax receipt only for the year 1996 and has not produced receipts for the subsequent period. If the appellant continued to be the owner and was in possession and enjoyment of the property, she would ordinarily have produced material evidencing payment of property tax during the period subsequent to 1998.
- v) That the appellant remained silent for nearly two decades, from 1998 until 2018, and has not furnished any satisfactory explanation for her failure to question the alleged transfer or the subsequent mutation after such a prolonged period. The learned counsel therefore contended that the appellant's claim is liable to be rejected on the ground of delay and laches.
- vi) That though the appellant alleges that the unregistered sale deed dated 04.04.1998 is forged and fabricated, she has not initiated any proceedings before any competent forum or authority challenging the genuineness or validity of the said document.
- vii) That the learned Single Judge, having regard to the serious dispute regarding the validity of the sale deed and the rival claims of title, rightly held that the dispute could be adjudicated only by a competent civil Court and dismissed the writ petition.

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

**Consideration by this Court**

**12.** In the present case, it is relevant to note that the alleged unregistered sale deed is dated 04.04.1998. According to the 4<sup>th</sup> respondent, the property was purchased thereunder and possession was delivered to her. The record further discloses that the 4<sup>th</sup> respondent produced property tax receipts for the years subsequent to 1998, including the years 2004-05, 2013-14 and 2014-15. The Municipal Commissioner, in the impugned proceedings, recorded that the municipal records prior to 2009 were not available and that from 2009 onwards, the 4<sup>th</sup> respondent was shown as the owner of the subject property and had been paying property tax. However, the appellant states that she returned to Mancherial only in the year 2018. Upon obtaining information regarding the mutation, she submitted an application dated 21.10.2019 seeking restoration of her name in the municipal records. Thus, by the appellant's own showing, the appellant questioned the mutation only after a lapse of nearly two decades from the alleged sale transaction of 04.04.1998 and about a decade after 2009, from which time the name of respondent No.4 was figuring in the municipal records as the owner.

**13.** Further, the learned Single Judge observed that the writ affidavit was silent as to when the appellant had left Mancherial and

merely stated that she returned in the year 2018. The explanation offered by the appellant is that owing to the periodical transfers of her husband, who was a Government employee, the family had resided outside Mancherial for some years. While such circumstances may explain appellant's physical absence from the locality, they do not, by themselves, satisfactorily explain the complete absence of any material evidencing her assertion of ownership over the subject property during the intervening period.

**14.** Significantly, the appellant produced only a property tax receipt for the year 1996 and did not place before the Court any receipts evidencing payment of property tax for the subsequent period. In contrast, the 4<sup>th</sup> respondent produced tax receipts for the years subsequent to 1998. The learned Single Judge, therefore, found that the appellant had failed to produce material demonstrating her possession and enjoyment of the property or payment of property tax during the intervening period.

**15.** Further, the jurisdiction under Article 226 of the Constitution being discretionary, a party invoking such extraordinary jurisdiction must approach the Court diligently within a reasonable time, and unexplained and inordinate delay is a relevant consideration in determining whether the discretionary jurisdiction ought to be exercised. The doctrine of laches is founded upon the principle that a person who sleeps over his or her rights cannot, after an

unexplained and prolonged period, seek equitable relief under Article 226 of the Constitution, particularly where the rights and claims of another party have intervened during the period of delay. In the present case, the appellant has not satisfactorily explained why, despite the alleged transaction having taken place in 1998, the appellant did not question the mutation or otherwise assert her claim over the property until 2018. The mere fact that the appellant was residing away from Mancherial for some period cannot furnish a complete explanation for the prolonged inaction. The absence of material demonstrating payment of property tax or exercise of ownership rights during the intervening period and any assertion as to the failure to collect rent from respondent No.4 further assume significance. Therefore, the delay of nearly two decades in questioning the alleged transaction and the consequential mutation, coupled with the absence of a satisfactory explanation for such delay, constitutes a significant circumstance weighing against the appellant in the exercise of the discretionary jurisdiction under Article 226 of the Constitution.

**16.** It is well settled law that entries in municipal records, including assessment registers and property tax records, are primarily maintained for fiscal purposes and do not confer or extinguish title to immovable property. Mutation of a name in the municipal records does not constitute adjudication of title and the

authority effecting such mutation cannot assume the jurisdiction of a civil Court to decide disputed questions of ownership.

**17.** Rule 3 of the 1966 Rules, prescribes the procedure for alteration of entries in the assessment books. Where an application for alteration is made by only one of the parties to the transfer, notice is required to be served upon the other party. Where the existing owner objects to the proposed alteration, the Rule contemplates production of the document by which ownership is claimed to have been transferred.

**18.** The appellant has strenuously contended that no notice was issued to her before the mutation in favour of the 4<sup>th</sup> respondent. It is not in dispute that the Municipality was unable to produce the notice allegedly issued for inviting objections, and the relevant mutation proceedings were also not available. Further, in the proceedings dated 14.12.2020, the Municipal Commissioner recorded that the records relating to changes in the municipal records prior to 2009 were not available. The mere absence of the aforesaid records, however, does not enable this Court, in exercise of jurisdiction under Article 226 of the Constitution, to adjudicate the underlying question of title. In such circumstances, the Municipal Commissioner, exercising limited jurisdiction in relation to mutation of municipal records, could not have undertaken an adjudication of the validity of the disputed sale deed or conclusively determined the

title of either party. The appropriate course was to leave the parties to establish their respective rights before the competent Civil Court. Therefore, the learned Single Judge has rightly observed that the validity of the unregistered sale deed is in serious dispute and that the *inter se* title of the parties necessarily requires adjudication by a competent Civil Court.

**19.** Furthermore, the appellant has alleged that the unregistered sale deed dated 04.04.1998 is forged and fabricated and that the signature appearing thereon is not hers. The 4<sup>th</sup> respondent, on the other hand, asserts that the said sale deed was executed by the appellant and that possession of the property was delivered pursuant thereto. Thus, the very execution and genuineness of the document on which the 4<sup>th</sup> respondent's claim is founded are seriously disputed.

**20.** It is trite law that fraud vitiates every solemn act. The appellant has relied upon the judgments of the Hon'ble Supreme Court in **S.P. Chengalvaraya Naidu** (Supra 1) and **Meghmala** (Supra 2), in support of the proposition that fraud unravels all technicalities. However, the invocation of the said principle presupposes that the allegation of fraud itself is capable of being established on the basis of legally admissible evidence. Therefore, the question is not merely whether fraud has been alleged, but whether



such an allegation can be adjudicated upon in the present proceedings.

**21.** In the present case, the appellant has disputed the execution of the sale deed and specifically denied her signature thereon, whereas the 4<sup>th</sup> respondent relies upon the very same document in support of her claim to the property. Determination of such a dispute would necessarily require adjudication of disputed questions of fact, including the execution and genuineness of the document and the respective claims of possession and title of the parties. Such questions cannot appropriately be adjudicated by the Municipal Commissioner in proceedings relating to alteration of entries in municipal records.

**22.** The material on record shows that the 4<sup>th</sup> respondent relied not only upon the disputed sale deed but also upon property tax receipts, rental documents and affidavits of tenants, whereas the appellant disputed the very foundation of the 4<sup>th</sup> respondent's claim. Therefore, the Municipal Commissioner correctly recognised the existence of a serious title dispute and directed the parties to approach the competent Civil Court for its adjudication. The learned Single Judge has also recorded that the validity of the unregistered sale deed dated 04.04.1998 is in serious dispute and that the *inter se* title of the parties necessarily requires adjudication by a competent Civil Court.

**23.** Significantly, although the appellant has alleged that the sale deed is forged and fabricated, the record does not disclose that she has instituted any proceeding before a competent forum challenging the validity or genuineness of the said document. The learned Single Judge specifically noticed that the appellant had not initiated any proceedings before the appropriate forum or authority in respect of the alleged forged and fabricated document. In these circumstances, the mere allegation of fraud or forgery cannot confer jurisdiction upon the Municipal Commissioner or this Court under Article 226 of the Constitution to determine the genuineness of the disputed document and pronounce upon the title of the parties.

**24.** The appellant's contention that the unregistered sale deed dated 04.04.1998 is hit by Sections 17 and 49 of the Registration Act, 1908 and, therefore, cannot confer title upon the 4<sup>th</sup> respondent, does not merit acceptance, as in the present proceedings this Court is not required to determine the validity, admissibility or legal effect of the said unregistered sale deed. The very execution of the document is disputed by the appellant, who denies her signature thereon, while the 4<sup>th</sup> respondent asserts that the document was executed by the appellant and relies upon it as the basis of her claim. The determination of these rival contentions would necessarily involve adjudication of disputed questions of fact and title, which

cannot be undertaken in a writ proceedings under Article 226 of the Constitution.

**25.** It is true that the 4<sup>th</sup> respondent, before the Municipal authorities, contended that Mandamarri town is covered by Agency Laws and that properties therein are subject to prohibition on registration. However, the said contention itself has neither been adjudicated upon by the Municipal authority nor determined by the learned Single Judge. Therefore, this Court refrain from expressing any opinion on the applicability or effect of any such prohibition on registration.

**26.** The appellant's contention that possession originating in tenancy is permissive in nature and cannot, merely by lapse of time, ripen into adverse possession against the true owner, is misplaced and is not applicable to the case set up by the 4<sup>th</sup> respondent. The 4<sup>th</sup> respondent does not claim title by way of adverse possession; rather, her claim is founded upon the purchase of the subject property under the unregistered sale deed dated 04.04.1998 and the possession asserted to have followed therefrom. The question whether the 4<sup>th</sup> respondent acquired any valid right or title under the said sale deed, and the legal consequences flowing from the possession claimed by her thereafter, are matters dependent upon adjudication of the validity and effect of the disputed transaction.

## Conclusion

**27.** For the foregoing reasons, this Court is of the considered view that the appellant, having approached the authorities after a long and unexplained delay, is not entitled to discretionary relief under Article 226 of the Constitution. The dispute involves serious questions regarding the execution, genuineness and legal effect of the unregistered sale deed dated 04.04.1998 and the *inter se* title of the parties, which cannot be adjudicated in mutation or writ proceedings. The order dated 30.04.2026 passed in W.P.No.7905 of 2021 by the learned Single Judge does not warrant interference in the present appeal.

**28.** Accordingly, the Writ Appeal is dismissed. The order dated 30.04.2026 passed by the learned Single Judge in W.P.No.7905 of 2021 is hereby affirmed.

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

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**SD/- P.GOWRI SHANKAR  
DEPUTY REGISTRAR**

**SECTION OFFICER**

To,

1. One CC to SRI. P LAKSHMA REDDY, Advocate [OPUC]
2. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana, at Hyderabad [OUT]
3. One CC to SRI PUTTA KRISHNA REDDY, SC FOR MUNICIPALITY [OPUC]
4. One CC to SRI K. SRINIVASA REDDY, Advocate [OPUC]
5. Two CD Copies

DAN

**HIGH COURT**

**DATED: 11/08/2026**

**JUDGMENT**

**WA.No.789 of 2026**



**DISMISSING THE WRIT APPEAL**

**WITHOUT COSTS**

⑧ NT

29/8/26