

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

**FRIDAY, THE FOURTEENTH 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: 818 OF 2026

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 13/06/2026 in W.P.No.1132 of 2018 on the file of the High Court.

Between:

1. Mykala Mallaiah, S/o.Mallaiah, Aged 93 Years, Occ.Agriculture, R/o.Shameerpet Village and Mandal, Ranga Reddy District. (Now in Medchal-Malkajigiri District). (Died) per L.Rs
2. Mykala Ailaiah, S/o.Mallaiah, Aged 74 Years, Occ.Agriculture, R/o.Shameerpet Village and Mandal, Ranga Reddy District. (Now in Medchal-Malkajigiri District). (Died) per L.Rs,
3. Narla Balaiah, S/o.Mallaiah, Aged 73 Years, Occ.Agriculture, R/o.Shameerpet Village and Mandal, Ranga Reddy District. (Now in Medchal-Malkajigiri District).
4. Mykala Lingamma, W/o.Late Mykala Ailaiah, Aged 75 years, Occ.House hold, R/o.H.No.1-41/1, Shamirpet Village and Mandal, Medchal Malkajigiri District. (Died)
5. Vallapu Laxmi, W/o.Vallapu Sathaiah, Aged 55 years, Occ.House wife, R/o.H.No.1-29, Thurkapally Village, Shamirpet Mandal, Medchal Malkajigiri District.
6. Mykala Srishailam, S/o.Late Mykala Ailaiah, Aged 50 years, Occ.Agriculture, R/o.H.No.1-41, Shamirpet Village and Mandal, Medchal Malkajigiri District.
7. Mykala Mallesh, , S/o.Late Mykala Ailaiah, Aged 48 years, Occ.Agriculture, R/o.H.No.1-41/1, Shamirpet Village and Mandal, Medchal Malkajigiri District.
8. Mykala Kumar, 8.S/o.Late Mykala Ailaiah, Aged 43 years, Occ.Agriculture, R/o.H.No.1-41/1, Shamirpet Village and Mandal, Medchal Malkajigiri District
9. Mykala Satyanarayana, S/o.Late Mykala Ailaiah, Aged 41 years, Occ.Agriculture, R/o.H.No.1-41, Shamirpet Village and Mandal, Medchal Malkajigiri District.

10. Mykala Mallesh, S/o.Late Mykala Mallaiah, Aged 63 years, Occ.Agriculture, R/o.H.No.1-12/1, Shamirpet Village and Mandal, Medchal Malkajigiri District. (Died) Per LRs
11. Mykala Yadagiri, S/o.Late Mykala Mallaiah, Aged 60 years, Occ.Agriculture, R/o.H.No.1-42, Shamirpet Village and Mandal, Medchal Malkajigiri District.
12. Mykala Parvathalu, S/o.Late Mykala Mallaiah, Aged 47 years, Occ.Agriculture, R/o.H.No.1-37/A, Shamirpet Village and Mandal, Medchal Malkajigiri District.
13. Mykala Kondaiah, S/o.Late Mykala Mallaiah, Aged 40 years, Occ. Pvt. Employee. R/o.H.No.1-42, Shamirpet Village and Mandal, Medchal Malkajigiri District.
14. Salendra Illavvah, W/o.Sathaiah, Aged 58 years, Occ. House wife, R/o.Ravalkul Village, Medchal Malkajigiri District
15. Ittaboina Maisamma, W/o.Srisailam, Aged 56 years, Occ. House wife, R/o.Gedipally Village, Manorabad Mandal, Medak District.
16. P.Kyatavva, W/o.Narsimha, Aged 53 years, Occ. House wife, Goudavalli Village, Medchal Mandal, Medchal Malkajigiri District.
17. L.Balamani, W/o.Sathaiah, Aged 45 years, Occ.House wife, R/o.Vaguluthi Village, Mulugu Mandal Siddipet District.
18. Myakala Satyanarayana, S/o.Late Myakala Mallesh Aged 40 years, Occ . Agriculture R/o.H.No.1-42, Shamirpet Village and Mandal, Medchal Malkajigiri District
19. Myakala Ramesh, S/o. Late Myakala Mallesh Aged 32 years, Occ.Agriculture, R/o.H.No.1-12/1. Shamirpet Village and Mandal, Medchal Malkajigiri District

.....APPELLANTS/PETITIONERS

AND

1. The State of Telangana. Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Joint Collector, Medchal-Malkajigiri District
3. The Revenue Divisional Officer, East Division. Goshamahall, Ranga Reddy District. (Presently in Medchal-Malkajigiri District).
4. The Tahsildar, Shameerpet Mandal, Ranga Reddy District. (Presently in Medchal-Malkajigiri District).
5. Bismilla Khan, S/o.Mahaboob Khan, Aged about 64 Years, R/o.H.No.16-11-52, Moosarambagh, Hyderabad
6. Raheem Khan, S/o.Rahamath Khan, Aged about 64 Years, R/o.H.No.16-11-52, Moosarambagh, Hyderabad.
7. Yaseen Khan, S/o.Rahamath Khan, Aged about 54 Years, R/o.H.No.16-11-52, Moosarambagh, Hyderabad.
8. Habeeb Khan, S/o.Rahamath Khan, Aged about 54 Years, R/o.H.No.16-11-52, Moosarambagh, Hyderabad.
9. Ibrahim Khan, S/o.Rahamath Khan, Aged about 51 Years. R/o. H. No.16-11-52, Moosarambag h, Hyderabad.

10. Afzal Khan, S/o. Rahamath Khan, Aged about 38 Years, R/o. H.No. 16-11-52, Moosarambagh, Hyderabad.
11. Wazeer Khan, S/o. Ali Khan, Aged about 80 Years, R/o. H.No. 16-11-52, Moosarambagh, Hyderabad
12. M.A. Waheed Khan, S/o. Wazeer Khan Aged 65 years, Occ . Business R/o. H.No. 16-2-570 Malakpet, Hyderabad
13. Mohammed Ghouse, S/o. Wazeer Khan Aged 59 years, Occ . Business R/o. H.No. 16-2-368 Malakpet, Hyderabad.
14. Mohammed Ahmed Khan, S/o. Wazeer Khan Aged 50 years, Occ . Business R/o. H.No. 11-2-197, NTR Nagar L.B. Nagar, Hyderabad.
15. Nazma Sultana, W/o. Mohammed Haji Aged 64 years, Occ . Housewife R/o. H.No. 11-21-1128, NTR Nagar L.B. Nagar, Hyderabad
16. Nasreen Sultana, W/o. Shaik Zameel Rahman Aged 52 years, Occ . Housewife R/o. H.No. 16-2-174, Malakpet Hyderabad.
17. Kamar Sultana, W/o. Abdul Saleem Aged 49 years, Occ . Housewife R/o. H.No. 11-21-196, NTR Nagar L.B. Nagar, Hyderabad.
18. Shakeela Sultana, W/o. Mohammed Jahangir Ahmed Aged 45 years, Occ . Housewife R/o. H.No. 16-9-832/A, Old Malakpet Hyderabad.

.....RESPONDENTS/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 of the 2nd Respondent in Case No.B1/5518/2015, dt.07.12.2017, pending disposal of the writ appeal.

**Counsel for Appellants : SRI VEDULA SRINIVAS, SENIOR COUNSEL
REPRESENTING SRI C.HARI PREETH**

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

**Counsel for the Respondent Nos.5 to 11 : SRI AVINASH DESAI, SENIOR
COUNSEL REPRESENTING Ms. SARAMPALLY MRUDULA**

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.818 OF 2026
DATE: 14.08.2026**

Between:

Mykala Mallaiah and 18 others

....Appellants

And

The State of Telangana, rep. by its
Principal Secretary, Revenue
Department, Secretariat, Hyderabad
and 17 others.

....Respondents

JUDGMENT

Heard Sri Vedula Srinivas, learned Senior Counsel representing Sri C.Hari Preeth, learned counsel for the appellants; Sri Muralidhar Reddy Katram, learned Government Pleader for Revenue appearing for respondent Nos.1 to 4; Sri Avinash Desai, learned Senior Counsel representing Ms.Sarampally Mrudula, learned counsel for respondent Nos.5 to 11 and perused the record.

2. This writ appeal, preferred under Clause 15 of the Letters Patent against the order dated 30.06.2026 passed by the learned Single Judge in W.P.No.1132 of 2018. By the said order, the

learned Single Judge dismissed the writ petition filed by the appellants herein (writ petitioners), thereby upholding the order dated 07.12.2017 passed by respondent No.2-Joint Collector, Medchal-Malkajgiri District, in case No.D1/5518/2015. The respondent No.2-Joint Collector allowed the revision petition filed by respondent Nos.5 to 11 herein and set aside the validation proceedings dated 04.03.1993 passed by respondent No.4-Tahsildar, Shameerpet Mandal.

Factual matrix (in brief)

3. The appellants claim to have purchased agricultural land admeasuring Acs.3.10 Gts. in Sy.Nos.39, 40 and 41 situated at Shameerpet Village and Mandal, Ranga Reddy District. The foundation of their claim is an unregistered Agreement of Sale dated 11.12.1976 executed by one Muthyala Sugriva @ Sukaraiah in favour of Narla @ Reguchettu Narsaiah, for a total sale consideration of Rs.13,000/-. It is the appellants' case that subsequent to the agreement, they also obtained two unregistered Sale Deeds dated 30.01.1977 and 10.04.1977 from the original pattadars, namely, Mahboob Khan and Vazeer Khan.

4. On an application filed by the appellants under Section 5-A of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (hereinafter referred to as "the ROR Act"), seeking validation of the unregistered sale transaction and mutation of their names in

the revenue records, the 4th respondent-Tahsildar, Shameerpet, took up the matter in File No.B/1238/1989. After conducting an enquiry and issuing notices to the concerned pattadars and other interested persons, the 4th respondent-Tahsildar, by order dated 04.03.1993, validated the said transaction under Section 5-A of the ROR Act and issued Form-XIII(B) and Form-XIII(C) certificates in favour of the appellants.

5. Aggrieved by the said validation proceedings dated 04.03.1993, the original pattadars initially preferred an appeal under Section 5 of the ROR Act before the Revenue Divisional Officer (RDO), Ranga Reddy East Division. The said appeal was dismissed by order dated 15.12.2007. Thereafter, a Revision was preferred before the Joint Collector, Ranga Reddy District, which was allowed by order dated 07.11.2009 and the matter was remanded to the RDO for fresh consideration. Aggrieved by the said order, the appellants approached this Court by filing W.P.No.24532 of 2010. Pursuant to the orders passed by this Court, respondent Nos.5 to 11 filed a fresh Revision under Section 9 of the ROR Act before the Joint Collector.

6. The Joint Collector, by order dated 07.12.2017 passed in Case No.D1/5518/2015, allowed the Revision filed by respondent Nos.5 to 11 herein and set aside the validation proceedings dated 04.03.1993 passed by the 4th respondent-Tahsildar, Shameerpet.

7. Challenging the said order dated 07.12.2017 passed by the Joint Collector, the appellants filed W.P.No.1132 of 2018 before this Court, seeking to quash the same. The learned Single Judge, by order dated 30.06.2026, dismissed the Writ Petition, thereby upholding the decision of the Joint Collector, Medchal-Malkajgiri District.

8. Aggrieved thereby, the appellants have preferred the present writ appeal.

Submissions on behalf of the appellants

9. Learned Senior Counsel appearing for the appellants has advanced the following submissions:

- i) That the Joint Collector failed to comply with the mandatory requirement under Section 9 of the ROR Act by not calling for and examining the records pertaining to the proceedings of the Tahsildar before disposing of the Revision. It was submitted that the Joint Collector proceeded merely on the basis of the pleadings and documents produced by the parties, without examining the original record and that such failure vitiates the impugned order.
- ii) That the Tahsildar had conducted a detailed enquiry in accordance with Rule 22 of the Rules r/w Section 5-A of the ROR Act, after issuing notices to the concerned parties. The

pattadars had appeared before the Tahsildar and their statements were recorded, apart from the statements of third parties who supported the appellants' case regarding the sale of the subject land. It was contended that upon being satisfied with the transaction and the payment of the entire sale consideration, the Tahsildar validated the transaction and issued Form-XIII(B) in favour of the appellants.

- iii) That the appellants have been in continuous possession of the subject land for several decades, with their possession being reflected in the relevant Pahanies from the year 1971-72. The learned Senior Counsel submitted that the Joint Collector failed to give due consideration to such longstanding possession and the consequential entries in the revenue records.
- iv) That respondent Nos.5 to 11 had approached the revisional authority after a considerable lapse of time and had failed to explain the delay in challenging the validation proceedings dated 04.03.1993. Though no specific period of limitation is prescribed for exercising the revisional jurisdiction under Section 9 of the ROR Act, it was contended that the Joint Collector ought to have considered the inordinate delay, particularly when the validation proceedings had remained

undisturbed for several years and the appellants had continued in possession of the subject land.

- v) In support of their case, the learned Senior Counsel has placed reliance on *Brajendra Singh Yambem v. Union of India and another*¹ at Paragraph No.38.

Submissions on behalf of the respondents

10. Learned Senior Counsel appearing for respondent Nos.5 to 11 supported the impugned order of the learned Single Judge and advanced the following submissions:

- i) That the foundational document on the basis of which the proceedings under Section 5-A of the ROR Act were initiated is only an Agreement of Sale dated 11.12.1976. An Agreement of Sale, by itself, does not constitute a sale, transfer or alienation within the meaning of Section 5-A of the ROR Act, which contemplates validation of an unregistered sale transaction and not an incomplete transaction founded merely upon an agreement to sell.
- ii) That the Agreement of Sale dated 11.12.1976 was executed by Muthyala Sugriva @ Sukaraiah, who was not the recorded pattadar of the subject land and that the appellants had failed to produce any document establishing the title or authority of the said Sugriva to deal with the subject

¹ (2016) 9 SCC 20

property. It was therefore contended that the very foundation of the appellants' claim was defective.

- iii) That, even according to the appellants, the subject land originally stood in the names of three pattadars, namely, Mahboob Khan, Vazeer Khan and Rahmat Khan, whereas the subsequent unregistered Sale Deeds dated 30.01.1977 and 10.04.1977 were executed only by Mahboob Khan and Vazeer Khan. Rahmat Khan had not executed any document in respect of his share. Therefore, there was no complete transfer of the entire extent of land in favour of the appellants. He further submitted that the said unregistered Sale Deeds were not reflected in the validation proceedings dated 04.03.1993 or in Form-XIII(B) and Form-XIII(C) and that respondent Nos.5 to 11 had specifically disputed their execution.
- iv) That the total sale consideration of Rs.13,000/- stipulated under the Agreement of Sale dated 11.12.1976 had not been paid in full. It was, therefore, contended that the said document could not be treated as a sale deed or as an alienation capable of being validated under Section 5-A of the ROR Act.
- v) In support of their case, the learned Senior Counsel has placed reliance on the following decisions:

- a. *Konkana Ravinder Goud and others v. Bhavanarishi Co-operative House Building Society, Hyderabad and others*² at Paragraph Nos.42, 50 and 67
- b. *Allahabad University and others v. Geetanjali Tiwari (Pandey) and others*³ at Paragraph No. 52

11. We have taken note of the respective submissions urged and the material placed on record.

Consideration by this Court

12. In the present case, the appellants' claim traces its origin to the document dated 11.12.1976. A perusal of the said document, placed on record, shows that it is an '*Agreement of Sale*' and not a Sale Deed. The document contemplated payment of part of the sale consideration initially and completion of the transaction upon payment of the balance consideration and execution of the sale deed. Thus, the document, by itself, did not effect a transfer of title in the subject property, but merely embodied an agreement to complete the sale in future.

13. Section 5-A of the ROR Act contemplates validation of completed unregistered sale transactions and not an agreement of sale by which the transfer itself remains incomplete. This position stands concluded by the judgment of the erstwhile High Court of Andhra Pradesh in ***Konkana Ravinder Goud's*** case (supra 2), wherein it was categorically held that an agreement of sale cannot

² 2003 SCC OnLine AP 852

³ (2024) 20 SCC 23

be treated as an 'alienation' or 'transfer' within the meaning of Section 5-A of the ROR Act. It is further held that the machinery under Section 5-A cannot be invoked merely to perfect title on the basis of an agreement to sell and that the remedy, in such circumstances, lies before the competent Civil Court.

14. The said principle squarely applies to the present case, as the very foundation of the proceedings under Section 5-A of the ROR Act was the Agreement of Sale dated 11.12.1976, does not effect a transfer of title. Therefore, the learned Single Judge rightly held that such an agreement could not be regularized under Section 5-A of the ROR Act and that the disputed questions concerning title and enforceability of the documents were matters for adjudication before the competent Civil Court, and thereby the validation of the Agreement of Sale dated 11.12.1976 under Section 5-A of the ROR Act cannot be sustained.

15. The appellants contention that the transfer was subsequently completed through two unregistered sale deeds dated 30.01.1977 and 10.04.1977, said to have been executed by the original pattadars, does not withstand scrutiny for the following reasons:

- i) The subject property originally stood in the names of three pattadars, namely, Mahboob Khan, Vazeer Khan and Rahmat Khan. The alleged unregistered sale deeds were

executed only by Mahboob Khan and Vazeer Khan. There is no material to establish that the 3rd pattadar, Rahmat Khan, executed any document or otherwise consented to the transfer of his share. In the circumstances, the appellants cannot claim title to the entire extent of Ac.3.10 Gts. on the strength of documents executed only by two of the three pattadars. Therefore, the very foundation of their claim to the entire property is legally infirm.

- ii) The proceedings of the Tahsildar dated 04.03.1993, including Form XIII-B and the connected Form XIII-C, do not refer to the alleged sale deeds dated 30.01.1977 and 10.04.1977. On the contrary, the record refers to the Agreement of Sale dated 11.12.1976 as the document forming the basis of the transaction. The learned Single Judge also noticed the specific contention that the subsequent sale deeds were not reflected in the validation proceedings and that Form XIII-C referred only to the Agreement of Sale dated 11.12.1976. This omission assumes significance and creates a serious doubt as to whether the alleged 1977 sale deeds were, in fact, the documents relied upon or validated in the original proceedings.
- iii) The Agreement of Sale dated 11.12.1976 was executed by Muthyala Sugriva @ Sukaraiah, who was admittedly not the

recorded pattadar. The appellants have not produced any material establishing the source of his alleged title or authority to deal with the subject property. The absence of any link document showing how Sugriva acquired title or a legally recognizable interest from the original pattadars creates a fundamental gap in the chain of title. Mere possession or an assertion of purchase, without establishing the vendor's title or authority to alienate the property, cannot by itself confer title upon the appellants. Therefore, the Joint Collector was justified in taking note of this deficiency.

16. Further, the appellants' contention that the order of the Joint Collector is vitiated for non-compliance with Section 9 of the ROR Act, on the ground that the records were not summoned from the Tahsildar, also does not merit acceptance. The appellants have not demonstrated that any relevant material was unavailable before the Joint Collector or that the alleged non-summoning of the original records resulted in any prejudice to them. The material proceedings and documents, including the order of the Tahsildar and the documents forming the basis of the validation, were available for consideration. More importantly, the principal issue arising for consideration was whether an Agreement of Sale could constitute a 'transfer' or 'alienation' capable of validation under Section 5-A of the ROR Act, which is a question of law concluded

by the binding precedent in **Konkana Ravinder Goud's** case (supra 2).

17. Further, the appellants placed reliance on **Brajendra Singh Yambem** (supra 1), contending that where a statute prescribes a particular manner of doing an act, it must be followed accordingly. There can be no quarrel with the said proposition; however, it does not advance the appellants' case. The contention that the Joint Collector failed to follow the mandatory procedure under Section 9 of the ROR Act cannot be considered in isolation from the validity of the underlying transaction sought to be validated under Section 5-A of the ROR Act. The transaction rests upon an unregistered Agreement of Sale executed by a person who was not the recorded pattadar; the subsequent unregistered Sale Deeds were executed only by two of the three pattadars, leaving the share of Rahmat Khan unconveyed; and their execution and payment of the entire consideration are disputed. Thus, the issue is not merely the manner of exercise of revisional jurisdiction, but also whether the transaction itself was capable of validation under Section 5-A of the ROR Act. Therefore, the said decisions do not advance the case of the appellants.

18. The appellants' reliance on their long-standing possession over the subject property, cannot cure a defective or incomplete transfer of title. Likewise, mutation or revenue entries do not create

or extinguish title, particularly where the very validity and enforceability of the underlying transaction are in dispute. The learned Single Judge rightly observed that such disputed questions of title are required to be adjudicated by the competent Civil Court.

19. Moreover, the contention regarding delay in initiation of the revisional proceedings also does not merit acceptance. The record shows that the respondents had pursued the matter through the statutory remedies and that in the earlier round of litigation, this Court, by order dated 06.04.2015 in W.P.No.24532 of 2010, granted them liberty to avail the revisional remedy. Pursuant thereto, the Revision was filed before the Joint Collector. The learned Single Judge, therefore, rightly held that the plea of delay was untenable in the peculiar facts and circumstances of the case.

Conclusion

20. For the foregoing reasons, this Court is of the considered view that the appellants' claim for validation is founded on the Agreement of Sale dated 11.12.1976, which does not constitute a completed transfer capable of validation under Section 5-A of the ROR Act. The subsequent unregistered sale deeds relied upon by the appellants do not establish a valid transfer of the entire subject property and, in any event, were not reflected in the original validation proceedings. The order dated 30.06.2025 passed in

W.P.No.1132 of 2018 by the learned Single Judge rightly does not warrant interference by this Court.

21. Accordingly, the Writ Appeal is dismissed. The order dated 30.06.2026 passed by the learned Single Judge in W.P.No.1132 of 2018 is hereby affirmed. The observations, if any, made herein above are for the limited purpose of adjudication of the present writ appeal and shall not influence any other proceedings.

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

**SD/- MOHD. ISMAIL
DEPUTY REGISTRAR**

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SECTION OFFICER

To

1. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
2. One CC to SRI C.HARI PREETH, Advocate [OPUC]
3. One CC to Ms. SARAMPALLY MRUDULA, Advocate (OPUC)
4. Two CD Copies

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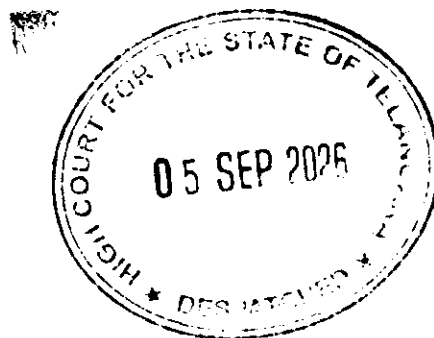


HIGH COURT

DATED: 14/08/2026

JUDGMENT

WA.No.818 of 2026



**DISMISSING THE W.A
WITHOUT COSTS.**

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