

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

**THURSDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX**

PRESENT

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

WRIT APPEAL NO: 698 OF 2026

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 23/03/2026 in W.P.No.29732 of 2013 on the file of the High Court.

Between:

Smt . Indira Bai, D/o. Late. Narayana Rao, aged about 73 years, Occ. House Hold, R/o H.No.1-3-160, Narayana Rao Compound, Railway Station Road, Mahaboobnagar.

.....APPELLANT

AND

1. Govt. Of Telangana, (Previously Govt of A.P) Rep. By its Prl. Secretary, Municipal Administration And Urban Development Authority, Secretariate Hyderabad.
2. The Mahaboobnagar Municipality, Rep. By its Commissioner, Mahaboobnagar.
3. The Dist Collector, Mahaboobnagar Dist., Mahaboobnagar.
4. The Thahsildar, Mahaboobnagar Mandal, Mahaboobnagar.

.....RESPONDENTS

Counsel for Appellant : SRI NYAYAPATHI PRASHANT

Counsel for Respondent No.1 : GP FOR MCPL ADMN AND URBAN DEV

Counsel for Respondent No.2 : SRI PUTTA KRISHNA REDDY

Counsel for Respondent Nos.3 & 4 : G.P FOR REVENUE

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.698 of 2026

DATE: 16.07.2026

Between:

Indira Bai

....Appellant

And

Government of Telangana
(Previously Govt of A.P.),
Rep. by its Principal Secretary,
Municipal Administration and
Urban Development Authority
and 3 others

....Respondents

JUDGMENT

Heard Sri Nyayapathi Prashant, learned counsel for the appellant; Sri Krishna Reddy Putta, learned Standing Counsel for respondent No.2-Municipality; Sri Muralidhar Reddy Katram, learned Government Pleader for Revenue appearing for respondent Nos.3 and 4 and perused the record.

2. This writ appeal is preferred under Clause 15 of the Letters Patent, against the order dated 23.03.2026 passed by the learned Single Judge in W.P.No.29732 of 2013. By the said order, the learned Single Judge dismissed the writ petition filed by the appellant herein, seeking a Writ of *Mandamus* to declare the order dated 17.07.2013 passed by the 2nd respondent-Municipality as illegal and to direct the respondents to deliver vacant possession of

Plot No. 45, admeasuring Ac.1.23 Gts, situated at Boyapalli Gate,
Mahaboobnagar

Factual matrix

3. The appellant claims to be the legal heir of late Sri M. Narayana Rao, who is stated to have purchased Plot No.45 admeasuring Ac.1.23 Gts situated at Boyapalli Gate, Mahabubnagar, from the erstwhile Local Fund Authority, the predecessor-in-interest of the 2nd respondent-Municipality, in the year 1342 Fasli (approximately 1932-33 A.D.), after paying the entire sale consideration. In support of her claim, reliance is placed upon Letter No.5782 dated 14.03.1962 issued by the then Executive Officer of the Municipality acknowledging receipt of the sale consideration, as well as a judgment dated 05.03.1964 rendered by the then President of the Municipality, wherein, according to the appellant, it was recorded that Plot No.45 had been purchased by her father.

4. It is the appellant's case that after the death of her father on 03.11.1955, her senior step-mother, Smt. Raghavendra Bai, made several representations seeking delivery of possession of the subject plot. Pursuant thereto, the Municipal Engineer prepared a report dated 22.06.1964 demarcating the plot, whereafter the Municipal Sub-Committee, in its meeting held on 07.09.1964, recommended delivery of possession. The said recommendation was approved by the Municipal Council *vide* Resolution No.151 dated 27.02.1965, followed by Memo No.3886 dated 15.03.1965 directing the Municipal

Engineer to hand over possession. According to the appellant, notwithstanding the aforesaid proceedings, possession of the plot was never delivered.

5. The appellant further asserts that, after the demise of her senior step-mother, she continued to pursue the matter by submitting several representations. According to the appellant, the respondents, instead of implementing the earlier resolutions and proceedings, repeatedly insisted upon production of registered sale deeds and link documents and stated that the relevant municipal records were not traceable. This gave rise to a series of litigations between the parties.
6. Initially, the appellant filed W.P.No.18627 of 2002, which was disposed of with a direction to the respondents to consider her representation. Alleging non-compliance thereof, appellant instituted Contempt Case (CC) No.1106 of 2007, which came to be closed after the Municipality passed an order stating that the land had been sold by the erstwhile Local Fund Department and not by the Municipality, while reserving liberty to challenge the said proceedings. Consequently, the appellant filed W.P.No.7906 of 2008 questioning the said order, which is stated to be pending.
7. The appellant thereafter filed W.P.No.5375 of 2012 challenging the endorsements dated 27.06.2011 and 29.10.2011 issued by the Municipality insisting upon production of registered sale deeds and link documents. By order dated 01.10.2012, the learned Single

Judge declared the said endorsements illegal and set them aside, directing the respondents to consider the appellant's claim for delivery of possession of Plot No.45 in accordance with law and on its own merits, irrespective of the non-production of registered sale deeds or link documents. The said order attained finality upon dismissal of W.A.No.222 of 2013 by a Division Bench on 17.04.2013.

8. Pursuant to the orders passed in W.P.No.5375 of 2012 and W.A.No.222 of 2013, the appellant submitted a representation dated 06.07.2013 requesting delivery of possession. However, by proceedings dated 17.07.2013, the 2nd respondent-Municipality rejected her claim principally on the ground that the documents produced did not establish a clear title, that no allotment letter or registered conveyance deed was available, that the earlier claim made by the appellant's step-mother had not culminated in delivery of possession, and that third parties, namely Fakir Mohammed, Abdul Salam and their successors-in-interest, had been in long and continuous possession of the land.

9. Aggrieved thereby, the appellant instituted W.P.No.29732 of 2013 assailing the proceedings dated 17.07.2013. During the pendency of the writ petition, a survey was conducted by the Tahsildar on 30.11.2015, wherein it was found that out of the total extent of Ac.1.23 Gts, Ac.0.16 Gts was vacant, Ac.0.32 Gts was under encroachment and Ac.0.15 Gts had been covered by roads. On the strength of the said survey report, the appellant filed

W.P.M.P.No.5223 of 2016 seeking delivery of possession of the vacant extent, compensation for the portion covered by roads and eviction of encroachers or, in the alternative, allotment of equivalent alternate land in respect of the encroached portion. Certain persons claiming rights over the adjoining Plot No.44 also sought impleadment by filing I.A. No.2 of 2016.

10. The learned Single Judge, upon consideration of the pleadings, the material placed on record and the rival submissions, dismissed W.P.No.29732 of 2013 by holding, *inter alia*, that the appellant had failed to establish a legally enforceable right entitling her to seek delivery of possession in exercise of the writ jurisdiction under Article 226 of the Constitution of India and that, if so advised, appellant was at liberty to establish her title and other rights before the competent Civil Court.

11. Aggrieved thereby, the appellant has preferred the present Writ Appeal.

Submissions on behalf of appellant

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

- i) That the learned Single Judge failed to appreciate the pleadings, documentary evidence in their proper perspective and mechanically dismissed the writ petition, resulting in manifest miscarriage of justice. It is submitted that the learned Single Judge travelled beyond the scope of the writ petition

and recorded findings based on assumptions and presumptions which are not borne out by the record, rendering the impugned judgment unsustainable.

- ii) That the learned Single Judge failed to give due effect to the binding judgments in W.P. No.5375 of 2012 and W.A. No.222 of 2013, which had attained finality. Despite this Court having directed the respondents to consider the appellant's claim on merits without insisting on registered sale deeds or link documents, the Municipality, by proceedings dated 17.07.2013, rejected the claim on the very same grounds. It is submitted that such action is contrary to the earlier judicial directions, amounts to reopening concluded issues, and is barred by the principles of *res judicata* under Section 11 of the CPC and the doctrine of issue estoppel.
- iii) That the learned Single Judge committed a manifest error in doubting the authenticity of Letter No.5782 dated 14.03.1962. It is argued that the respondents had never disputed the genuineness of the said document in the earlier proceedings and, having accepted and acted upon the same, could not subsequently question its authenticity. It is further submitted that the contemporaneous municipal proceedings, including the proceedings dated 05.03.1964 and the Municipal Engineer's report dated 22.06.1964, unequivocally recognize that the appellant's father had purchased Plot No.45 and

recommend delivery of possession. It is contended that these official records sufficiently establish the appellant's entitlement and the learned Single Judge failed to accord them due evidentiary value.

- iv) That the respondents themselves have admitted several material facts in their counter-affidavit and official proceedings, which are as follows:
- a) The erstwhile Local Fund Authority had sold the plots to various purchasers;
 - b) The Government, *vide* Memo No.3682/J1/2009 dated 05.08.2009, had decided to allot alternative land to the appellant; and
 - c) The Regional Director-cum-Commissioner of Municipal Administration, by proceedings dated 10.05.2010, directed the Municipality to take possession of the vacant extent of Plot No.45.
- v) That the subsequent survey reports, municipal resolutions and official correspondence identifying the subject land and recording the availability of a substantial extent thereof unequivocally acknowledge the appellant's claim. Consequently, the finding of the learned Single Judge that the appellant has no semblance of entitlement is perverse and contrary to the admitted record.

- vi) That the writ petition was not filed for declaration of title, but for enforcement of statutory and public duties arising out of the respondents' own resolutions, proceedings and Government orders. Having themselves recognized the appellant's entitlement, the respondents were under a corresponding legal obligation either to deliver possession of the subject property or to provide alternative land. It is contended that the writ petition seeking a writ of mandamus was fully maintainable for compelling the statutory authorities to discharge their public duties and implement their own decisions.
- vii) That once the State and its instrumentalities have accepted the appellant's entitlement and issued proceedings recognizing the same, they are bound by the doctrines of fairness, legitimate expectation and promissory estoppel and cannot arbitrarily resile from their own decisions. The continued refusal to implement the Municipal Council Resolution and the Government directions is stated to be arbitrary, unreasonable and violative of Article 14 of the Constitution of India.
- viii) That the learned Single Judge erred in relegating the appellant to the remedy of a civil suit. It is argued that where a public authority acts arbitrarily, refuses to implement its own resolutions and proceedings, or fails to discharge statutory obligations, the extraordinary jurisdiction of this Court under

Article 226 of the Constitution can be invoked notwithstanding the availability of an alternative remedy. The learned Single Judge, therefore, erred in holding that the appellant should first establish her title before a competent Civil Court.

- ix) That the findings recorded by the learned Single Judge are contrary to the pleadings, unsupported by the material available on record and ignore several contemporaneous documents and admissions made by the respondents themselves. Particular reliance is placed upon the admission of the 2nd respondent that, pursuant to the directions of the then Hon'ble Chief Minister, an enquiry was conducted and a decision was taken to allot alternative land to the appellant. According to the learned counsel, the said admission, coupled with the official proceedings and resolutions, establishes the appellant's entitlement.

Submissions on behalf of the respondents

13. *Per contra*, learned Standing Counsel for Municipal Administration and Urban Development (MA&UD) appearing for the 2nd respondent advanced the following submissions:

- i) That the appellant has failed to establish any legal right, title or entitlement over Plot No.45. It is submitted that neither the appellant nor her late father was ever issued any allotment letter or conveyance deed by the erstwhile Local Fund Authority. The documents relied upon by the appellant are

merely photocopies, are not duly authenticated and do not constitute proof of title. In particular, Letter No.5782 dated 14.03.1962 neither bears the signature of the Executive Officer nor the official seal of the Municipality. It is further submitted that the judgment dated 05.03.1964, relied upon by the appellant, does not confer any right upon her and, in fact, culminated in rejection of the claim made by her senior step-mother.

- ii) That the claim of the appellant's senior step-mother, Smt. Raghavendra Bai, was duly considered by the then Municipal authorities and rejected in the proceedings dated 05.03.1964, wherein it was found that Plot Nos.45, 46 and 47 had remained in the possession of Fakir Mohammed and Abdul Salam for nearly eighteen years and that their possession ought not to be disturbed. Since the said proceedings were never challenged, they attained finality and the appellant cannot seek to reopen the issue after several decades.
- iii) That the subject land is no longer vacant and has remained in the possession of third parties for several decades. During physical inspection, it was found that persons including Sri Md. Ayub Hyder, Smt. Munavar Sulthana and late Smt. Safia Begum were in possession of the land. Third-party rights have thus intervened and, in the absence of any established title in

favour of the appellant, the Municipality cannot summarily evict such occupants or deliver possession in writ proceedings.

- iv) That the appellant and her predecessors are guilty of gross delay and laches. Though the alleged purchase dates back to the year 1342 Fasli and the claim of the appellant's step-mother was rejected in the year 1964, no proceedings challenging the said rejection were initiated for several decades. The appellant approached this Court after an inordinate lapse of time and, therefore, is not entitled to any equitable relief under Article 226 of the Constitution of India.
- v) That the relief sought by the appellant is, in substance, one for declaration of title and recovery of possession of immovable property, involving disputed questions of fact and competing third-party rights. Such issues cannot be adjudicated in proceedings under Article 226 of the Constitution, and the proper remedy available to the appellant is to institute an appropriate civil suit for declaration of title and consequential recovery of possession before the competent Civil Court.
- vi) That the earlier orders passed in W.P.No.5375 of 2012 and W.A.No.222 of 2013 merely directed the Municipality to consider the appellant's claim without insisting upon production of registered sale deeds or link documents, and did not declare any right or title in favour of the appellant. In compliance with the said directions, the Municipality

considered all the documents produced by the appellant and, upon finding that no legally enforceable title was established, passed a reasoned order dated 17.07.2013 rejecting the claim.

- vii) That the appellant's claim also involves a dispute regarding the identity and boundaries of the property. According to the respondents, the land claimed overlaps with adjoining plots, including Plot No.44, part of the land has already been utilized for roads, and the survey relied upon by the appellant has itself been disputed by the proposed respondents. In view of the complex disputes relating to title, identity, boundaries and third-party possession, the learned Single Judge rightly held that the controversy could not be adjudicated in the exercise of writ jurisdiction.

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

Consideration by this Court

15. The principal relief sought by the appellant is delivery of vacant possession of Plot No.45. Such relief is necessarily predicated upon the existence of a legally enforceable right or title in the appellant over the subject property. The appellant asserts that her late father purchased the property from the erstwhile Local Fund Authority in 1342 Fasli. However, the documents relied upon to substantiate that claim do not conclusively establish title.

16. It is pertinent to note that the learned Single Judge's finding that the appellant has not demonstrated a clear and legally enforceable title to Plot No.45, does not warrant interference. The letter dated 14.03.1962, on which substantial reliance is placed, is, at best, an acknowledgment of payment and cannot be equated with a sale deed, conveyance deed, or allotment order. Significantly, as noticed by the learned Single Judge, the said document does not bear the signature or official seal of the competent municipal authority, thereby materially diminishing its evidentiary value for proving a valid transfer of title. Equally, the proceedings dated 05.03.1964 of the then President of the Municipality do not confer title upon the appellant; on the contrary, they record the rejection of the claim made by her senior step-mother and refer to the long-standing possession of third parties. The Municipal Engineer's report of 1964, while identifying and demarcating the plot, also indicates occupation by other persons.

17. It is also necessary to draw a distinction between the directions issued in W.P. No.5375 of 2012 and the question of title. The learned Single Judge in that case correctly held that the Municipality could not insist upon production of registered sale deeds and link documents as a precondition for considering the appellant's claim. However, the said judgment neither declared nor adjudicated title in favour of the appellant. It merely directed the Municipality to examine the claim on the basis of the material

available on record. The Municipality thereafter considered the appellant's representation, examined the documents produced by her, and came to the conclusion that the material was insufficient to establish a valid and legally enforceable title. Therefore, the learned Single Judge was justified in treating the issue of title as remaining unresolved and incapable of being conclusively determined in writ proceedings.

18. On the issue of maintainability, it is relevant to note that the appellant's contention that the writ petition is maintainable for enforcement of the statutory and public duties arising from the resolutions and proceedings of the Municipality, does not commend acceptance. A writ of mandamus can be issued only to enforce a subsisting statutory or public duty coupled with a corresponding legal right. Although the appellant relies upon the Municipal resolutions and subsequent Governmental proceedings, none of these conclusively determined her title or created an unconditional and enforceable obligation upon the respondents to deliver possession of Plot No.45.

19. Further, by order dated 01.10.2012 in W.P. No.5375 of 2012, affirmed in W.A.No.222 of 2013, the respondents were merely directed to consider the appellant's claim on the material available without insisting on registered sale deeds or link documents. The 2nd respondent complied with the said directions by considering the appellant's representation and passing a reasoned order dated

17.07.2013. Thus, in the absence of any unperformed statutory duty, no writ of mandamus can be issued.

20. The appellant's contention that the issue of title stands concluded by virtue of the orders passed in W.P. No.5375 of 2012 and W.A. No.222 of 2013, does not merit acceptance. The principle of *res judicata* embodied in Section 11 of the CPC and the doctrine of issue estoppel apply only where an issue has been directly and substantially in issue and has been finally adjudicated by a competent Court. In the present case, neither the learned Single Judge in W.P.No.5375 of 2012 nor the Division Bench in W.A. No.222 of 2013 adjudicated or declared the appellant's title to Plot No.45. The earlier proceedings were confined to examining the legality of the Municipality's insistence on production of registered sale deeds and link documents and merely directed the respondents to consider the appellant's claim on the basis of the material available on record. The Division Bench, while affirming the said direction, also left it open to the Municipality to pass appropriate orders in accordance with law. Thus, the question of title remained open for consideration and was never finally determined. Consequently, the appellant cannot invoke the principles of *res judicata* or issue estoppel to contend that her title stood concluded by the earlier judgments.

21. Further, the appellant's claim is also liable to be examined in the light of the settled principles governing delay and laches in the

exercise of writ jurisdiction under Article 226 of the Constitution. The alleged purchase of the subject property dates back to the year 1342 Fasli (1932-33) and, even according to the appellant, the claim of her senior step-mother stood rejected by the Municipal authorities in the proceedings dated 05.03.1964, which were never challenged. The present proceedings have been initiated after an inordinate lapse of several decades. During the intervening period, third-party rights have admittedly come into existence, substantial portions of the land have been occupied, and part of the land has also been utilized for public roads. In such circumstances, this Court, while exercising its discretionary and equitable jurisdiction under Article 226, cannot ignore the consequences of the extraordinary delay or unsettle long-standing possession and accrued third-party rights. The maxim *vigilantibus non dormientibus jura subveniunt* (law assists those who are vigilant, not those who sleep over their rights) squarely applies, and the appellant is not entitled to the equitable relief sought on account of the gross delay and laches in asserting the alleged right.

22. Moreover, the learned Single Judge was justified in holding that the writ petition was not the appropriate remedy for adjudicating the present dispute. The relief sought by the appellant, namely delivery of possession of Plot No.45, is necessarily founded upon proof of title. The record further discloses that the subject property is in the possession of several third parties who are not parties to the writ petition, some of whom sought impleadment

claiming rights over the adjoining plots. Therefore, the controversy involves disputed questions relating to title, identity and boundaries of the property, possession and competing third-party rights.

23. The Hon'ble Supreme Court in ***State of Rajasthan v. Bhawani Singh***¹ and ***Mohan Pandey v. Usha Rani Rajgaria***² has held that the disputed questions of fact, requiring appreciation of oral and documentary evidence, cannot ordinarily be adjudicated in the exercise of writ jurisdiction under Article 226 of the Constitution. The proper remedy for determination of such issues is before the competent Civil Court. Therefore, this Court finds no infirmity in the view taken by the learned Single Judge in relegating the appellant to avail the appropriate civil remedy.

24. It is apposite to note that the appellant's reliance on the doctrines of fairness, legitimate expectation and promissory estoppel, does not advance the appellant's case for the following reasons:

- a) While it is well settled that public authorities are expected to act fairly, the doctrine of fairness cannot be invoked to create or recognize a legal right where none otherwise exists. In the present case, the Municipality complied with the directions issued by this Court by considering the appellant's claim on the basis of the material available and passing a reasoned order.
- b) The doctrine of legitimate expectation has no application, as the appellant has failed to establish any enforceable right or title over the subject property, which is itself the subject

¹ AIR 1992 SC 1018

² AIR 1993 SC 1225

matter of serious dispute and is admittedly in the possession of third parties. The Government's proposal to consider allotment of alternative land cannot be construed as creating a legitimate expectation of delivery of possession of Plot No.45.

- c) The doctrine of promissory estoppel is inapplicable in the absence of any clear, unequivocal and enforceable promise by the respondents to convey or deliver possession of the said plot. The official proceedings relied upon by the appellant neither confer title nor amount to an unequivocal representation capable of enforcement in law.

25. It is to be noted that this Court finds no error, illegality, arbitrariness or procedural infirmity warranting interference in the proceedings dated 17.07.2013 issued by the 2nd respondent-Municipality. The competent authority has considered the appellant's representation in the light of the earlier directions issued by this Court, examined the documents relied upon by the appellant, adverted to the absence of any allotment letter or conveyance deed evidencing transfer of title, taken note of the proceedings dated 05.03.1964 rejecting the claim of the appellant's predecessor, as well as the long-standing possession of third parties over the subject property, and has recorded cogent reasons for rejecting the claim. Thus, the impugned proceedings disclose due application of mind and constitute a reasoned decision based on the material available on record.

Conclusion

26. For the foregoing reasons, this Court is of the considered view that the learned Single Judge has rightly held that the appellant failed to establish a clear and enforceable title to the subject property; that the claim is vitiated by gross delay and laches; that the subject property is burdened with competing third-party rights; and that the disputed questions relating to title and possession cannot be adjudicated in the exercise of writ jurisdiction under Article 226 of the Constitution. Therefore, there is no error or infirmity in the order dated 23.03.2026 passed by the learned Single Judge in W.P.No.29732 of 2013 warranting interference in the present Writ Appeal.

27. Accordingly, the Writ Appeal is dismissed. The order dated 23.03.2026 in W.P. No.29732 of 2013 of the learned Single Judge is affirmed.

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

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SD/- MOHD. ISMAIL
DEPUTY REGISTRAR

SECTION OFFICER

To

1. Two CCs to GP FOR MCPL ADMN AND URBAN DEV, High Court for the State of Telangana at Hyderabad [OUT]
2. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to SRI NYAYAPATHI PRASHANT, Advocate [OPUC]
4. One CC to SRI PUTTA KRISHNA REDDY, Advocate (OPUC)
5. Two CD Copies

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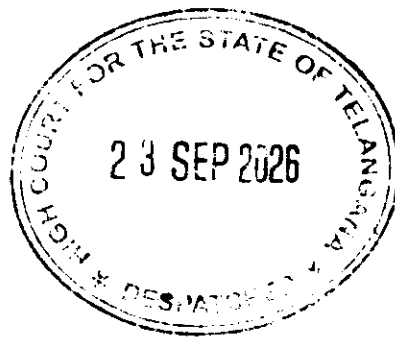
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HIGH COURT

DATED: 16/07/2026

JUDGMENT

WA.No.698 of 2026



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

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04/08/26
K.R