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

WRIT PETITION NOs.4279, 4292 AND 4301 OF 2019
&
I.A.No.2 of 2019 in W.P.No.4292 of 2019

W.P.No.4279 of 2019:

Panakanti Muthyam Rao @
Venkata Muthyam Rao …Petitioner

Vs.

State of Telangana, represented by its
Principal Secretary, Revenue Department,
Hyderabad and others …Respondents

Date of Judgment Pronouncement: 2nd APRIL, 2019

SUBMITTED FOR APPROVAL:

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

1. Whether Reporters of Local newspapers may be allowed to see the judgment? Yes/No

2. Whether copies of the judgment may be marked to Law Reporters/Journals Yes/No

3. Whether His Lordship wishes to see the fair copy of the judgment? Yes/No

SANJAY KUMAR, J

* THE HONOURABLE SRI JUSTICE SANJAY KUMAR

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<Gist:

>Head Note:

! Counsel for petitioner in all cases : Sri E.Madan Mohan Rao

^ Counsel for respondents 5 and 6 in W.P.Nos.4292 and 4301 of 2019 : Sri V.R.N.Prasanth

^ Counsel for respondents 5 and 6 in W.P.No.4279 of 2019 : Sri K.Vijay Bhaskar Reddy

? CASES REFERRED:

1. (2003) 2 SCC 355

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NOs.4279, 4292 AND 4301 OF 2019
&
I.A.No.2 of 2019 in W.P.No.4292 of 2019

COMMON ORDER

The petitioner in these three cases is Panakanti Muthyam Rao @ Venkata Muthyam Rao. His brother, Panakanti Radha Kishan Rao, is arrayed as respondent 5 in all the writ petitions. Panakanti Nagarjuna Rao, the son of Panakanti Radha Kishan Rao, is impleaded as respondent 6 in W.P.No.4279 of 2019 while Panakanti Anupama, his other son's wife, is shown as respondent 6 in W.P.No.4292 of 2019. Panakanti Radha, the wife of Panakanti Radha Kishan Rao, figures as respondent 6 in W.P.No.4301 of 2019.

By way of W.P.No.4279 of 2019, the petitioner challenged the proceedings dated 15.06.2018 of the Collector, Jayashankar-Bhupalpally District, and sought a consequential direction to the revenue authorities to implement the earlier proceedings dated 21.07.1995 of the Collector, Karimnagar District, and the decree dated 31.01.1992 passed in O.S.No.23 of 1988 by the learned Subordinate Judge, Peddapalli. This case pertains to agricultural land admeasuring Ac.6.20 guntas in Sy.No.110 and Ac.11.05 guntas in Sy.No.101 of Nasturpally Village, Kataram Mandal, presently in Jayashankar-Bhupalpally District.

In W.P.No.4292 of 2019, his prayer was to set aside the proceedings dated 18.06.2018 of the Collector, Jayashankar-Bhupalpally District, and to implement the proceedings dated 21.07.1995 and the decree dated 31.01.1992 in O.S.No.23 of 1988. This case pertains to agricultural land admeasuring Ac.1.26 guntas in Sy.No.12 and Ac.3.10 guntas in Sy.No.7 of Nasturpally Village.

In W.P.No.4301 of 2019, his prayer was to set aside the proceedings dated 22.06.2018 of the Collector, Jayashankar-Bhupalpally District, and to implement the very same proceedings dated 21.07.1995 and the decree dated 31.01.1992 in O.S.No.23 of 1988. The subject matter in this writ petition is the agricultural land admeasuring Ac.2.00 guntas in Sy.No.39 of Nasturpally Village.

In the affidavit filed in support of W.P.No.4279 of 2019, the petitioner stated that he was the owner and possessor of agricultural land admeasuring Ac.6.20 guntas in Sy.No.110 and Ac.11.05 guntas in Sy.No.101 of Nasturpally Village. According to him, these and other lands were the ancestral properties of his father, Panakanti Narayan Rao. His father effected a partition amongst himself and his progeny during his lifetime. Thereupon, an extent of Acs.28.38 guntas situated in various survey numbers of Nasturpally Village fell to the petitioner's share, including the above extents in Sy.Nos.101 and 110. In terms of this partition, the petitioner filed a declaration under Section 8 of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, which was duly approved in C.C.No.M/245/1975, *vide* order dated 27.05.1976. According to the petitioner, his father and his brother, respondent 5, along with his son, respondent 6, created false documents in relation to the properties that fell to the petitioner's share in the partition, constraining him to file O.S.No.23 of 1988 before the learned Subordinate Judge, Peddapalli. Therein, he prayed for declaration of his title in relation to the suit schedule lands and a further declaration that the registered documents bearing Nos.629, 636 and 700 of 1987 were null, void and not binding on him. He also sought a consequential perpetual injunction restraining the defendants in the suit from interfering with his possession over the suit properties. This suit was decreed by the trial Court on

31.01.1992 and the same attained finality. The Collector, Karimnagar District, acting upon the request of the petitioner, issued proceedings dated 21.07.1995 directing the Tahsildar, Kataram Mandal, to give effect to the aforestated decree in the revenue records. Pursuant thereto, the petitioner's name was entered in the revenue records and a pattadar pass book was also issued to him in relation to the lands covered by the decree, but his name was not incorporated in the pahanis despite his many representations. While so, respondents 5 and 6 herein again approached the Collector of the newly formed Jayashankar-Bhupalpally District by way of representation dated 21.05.2018 and the Collector, without even conducting an enquiry, issued proceedings dated 15.06.2018 directing incorporation of the name of respondent 6 in the revenue records and to issue him a pattadar pass book/title deed. These proceedings are subjected to challenge in this writ petition. The petitioner further stated that when respondents 5 and 6 again tried to interfere with his possession, he filed O.S.No.96 of 2018 before the learned Additional Junior Civil Judge, Manthani, and a temporary injunction order was passed therein on 09.07.2018 in relation to the lands in Sy.Nos.101 and 110 of Nasturpally Village.

In W.P.No.4292 of 2019, the petitioner's pleadings are to the same effect, but in relation to agricultural land to the extent of Ac.1.26 guntas in Sy.No.12 and Ac.3.10 guntas in Sy.No.7 of Nasturpally Village. It appears that respondents 5 and 6 therein approached the Collector, Jayashankar-Bhupalpally District, by way of representation dated 01.06.2018 and without an enquiry, the Collector issued proceedings dated 18.06.2018 directing incorporation of the name of respondent 6 in the revenue records and to issue a pattadar pass book/title deed to her. These proceedings are subjected to challenge in this writ petition.

In W.P.No.4301 of 2019, pleadings being on the same lines, the petitioner claimed that respondents 5 and 6 therein approached the Collector, Jayashankar-Bhupalpally District, by way of representation dated 01.06.2018 leading to the Collector issuing proceedings dated 22.06.2018, without holding any enquiry, whereby he directed incorporation of the name of respondent 6 in the revenue records and to issue a pattadar pass book/title deed to her immediately. These proceedings are subjected to challenge in this case.

By order dated 05.03.2019 passed in all the three writ petitions, this Court directed the revenue authorities to maintain *status quo* existing as on that date with regard to entries in the revenue records as well as issuance of pattadar pass books pursuant thereto.

I.A.No.2 of 2019 was filed in W.P.No.4279 of 2019 by respondents 5 and 6 therein to vacate the said order.

In the counter-affidavit filed in support thereof, respondent 5 deposed to the following effect: He admitted that all the subject lands initially belonged to his father. According to him, their father sold some of the properties during his life time so as to meet the educational expenses of the petitioner, his second son, and also the educational expenses of their younger brother. He claimed that some of the lands were transferred to his own sons under gift deeds. He stated that the lands in Sy.Nos.41 and 110 were sold to Bellamkonda Malhal Rao, respondent 5's father-in-law, under a registered sale deed. The said Bellamkonda Malhal Rao, in turn, was stated to have transferred the said lands by way of a Will Deed to his grandsons, viz., respondent 6 in W.P.No.4279 of 2019 and one P.Santosh Rao, the second son of respondent 5. The lands in Sy.Nos.12 and 39 were stated to have been sold to one B.Prabhakar Rao and the same were purchased by respondent 5's wife and daughter under a registered sale deed. He claimed that pursuant to these sale deeds, mutation was carried out and pattadar pass books were issued, basing on their possession over the said lands. Thereafter, the lands in Sy.Nos.43 and 110 were stated to have been transferred to him by his father under a registered gift deed. Adverting to the judgment and decree in O.S.No.23 of 1988, respondent 5 pointed out that the same was an *ex parte* judgment and decree and that no reasons were recorded therein. According to him, the said judgment could not even be considered as it had never been executed. Referring to the earlier proceedings dated 21.07.1995 of the Collector, Karimnagar District, he stated that the petitioner's allegation that the revenue authorities having partly implemented the same by incorporating his name in the registers and having issued him a pattadar pass book, failed to incorporate his name in the pahanis due to his influence, was false. He again asserted that the judgment and decree dated 31.01.1992 was not executed and as the limitation period had expired, the petitioner could not rely on the same. According to him, the petitioner had developed an ingenious method to infuse life into this time-barred decree by filing the present writ petition. He further stated that a counter had been filed in O.S.No.96 of 2018 before the learned Additional Junior Civil Jude, Manthani, in relation to the injunction granted therein and the same was pending consideration. He concluded by stating that the petitioner had no right over the subject lands and that his family had been in possession and enjoyment of the same. He sought vacating of the interim order dated 05.03.2019 and dismissal of the writ petition.

Respondent 5 filed a counter-affidavit on the same lines in W.P.No.4292 of 2019. He asserted in this counter that his father never partitioned the lands and therefore, the claim of the petitioner that the properties fell to his share in such partition was false. According to him, his father transferred the lands by way of gift deeds. Having reiterated the averments made by him in the counter filed in W.P.No.4279 of 2019, he sought vacating of the interim order dated 05.03.2019 passed in this writ petition and dismissal of the same.

Similar is the tone and tenor of the counter filed by respondent 5 in W.P.No.4301 of 2019. He further asserted in this counter that the names of his family members had already been entered in the pahanis and as such, no drastic or substantial changes were caused by virtue of the impugned proceedings. According to him, as the Government of Telangana has decided to issue a single pattadar pass book/title deed, an application was made for issuance of the same and taking into consideration the fact that their names had already been mutated in the revenue records, a consequential direction was issued by the Collector to furnish them pattadar pass books. He contended that there was no fresh adjudication which had taken place and their application was based on the entry of the names of the family members in the pahanis and also issuance of title deeds and pass books in their favour, which had never been challenged by the petitioner. He again asserted that the petitioner could not rely upon the judgment and decree dated 31.01.1992 passed in O.S.No.23 of 1988 as it was never acted upon or put into execution and prayed for vacating of the interim order dated 05.03.2019 passed in this writ petition and for dismissal of the writ petition.

Heard Sri E.Madan Mohan Rao, learned counsel for the petitioner, and Sri V.R.N.Prasanth, learned counsel, representing Indus Law Firm, counsel for respondents 5 and 6 in W.P.Nos.4292 and 4301 of 2019, and appearing for Sri K.Vijay Bhaskar Reddy, learned counsel on caveat for respondents 5 and 6 in W.P.No.4279 of 2019.

The impugned proceedings in each of these cases are identical but for the change of names. It would therefore suffice to refer to the proceedings dated 15.06.2018, impugned in W.P.No.4279 of 2019. These proceedings read as under:

'Office of the Collector
Jayashankar District.

Date:15-06-2018

Rc.No.E/1132/2018

From	To
Sri D.Amoy Kumar, I.A.S.,	1) The Revenue Divisional Officer,
District Collector,	Bhupalpally.
Jayashankar Bhupalpally.	2) The Tahsildar, Kataram.

Sir,

Sub: Patta Lands – Jayashankar Bhupalpally District – Kataram Mandal – Nathoorpally Village – Title report on the property of Sri Panakanti Nagarjuna Rao, S/o. Radhakrishna Rao – Sy.No.110 to an extent of Ac.12.00 gts & in Sy.No.101 to an extent of Ac.11.05 gts – Instructions issued – reg.

Ref: 1. A/o. Sri Panakanti Radhakishan Rao, S/o. Narayana Rao, R/o. Nasthoorplly (V), Kataram (M), dtd: 21.05.2018.

2. Sri V.Srinivasa Chary, Advocate, Parkal. Dtd:01.06.2018.

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Attention is invited to the reference cited and inform that Sri Panakanti Radhakishan Rao, S/o. Narayana Rao, R/o. Nasthoorplly (V), Kataram (M) has filed a petition and stated that Sri Panakanti Narayana Rao, S/o.Muthyam Rao, R/o.Nathoorpally was the absolute owner and possessor of the agricultural land in Sy.No.110 to an extent of 12.00 acres which is ancestral property and gifted to him i.e. Panakanti Nagarjuna Rao, S/o. Radhakrishna Rao, through registered gift settlement deed vide Doc.No.629/1987, dtd: 17.08.1987.

Further, Sri Panakanti Nagarujuna Rao has taken will deed vide Document No.07/1996, dtd: 30.12.1996 in Sy.No.101 to an extent of Ac.11.05 gts situated at Nathoorpally village of Kataram Mandal from the Bellamkonda Malhar Rao. S/o.Anthaiah, R/o.Devalwada Village of Kotapally Mandal of Adilabad District was the absolute owner and possessor. After, will deed his name was mutated in revenue records since 1987 onwards with continuous possession.

Mean while, one Panakanti Muthyam Rao, S/o.Narayana Rao has filed suit for injunction against the Panakanti Nagarjuna Rao & 4 others. in the year 1988 vide O.S.No.23/1988 on the file of Subordinate Bench, Paddampally which is exparte cannot be looked into the title, because the original document is the 1987 which is more than 31 yrs and the question of decree does not arise and decree valid only for 12 years and which is more than 26 years back decree, which is not valid.

Therefore you are requested to take necessary action as per rule for incorporation of Sri. Panakanti Nagarjuna Rao, S/o.Radhakrishna rao in revenue records and issue PPBs/TDs immediately, as he is in continuous owner & possessor for last 31 years.

Yours faithfully
Sd/- P Mohan Lal
For Collector, Jayashankar

//Attested//
Sd/-
Superintendent'

A bare perusal of the aforestated proceedings would demonstrate that no reference was made by the Collector to the statutory power, if any, that he was exercising, when he directed incorporation of the name of a particular individual in the revenue records and issuance of a pattadar pass book/ title deed to him. It may however be noted that the Collector specifically referred to the petitioner and the suit filed by him in O.S.No.23 of 1988 before the learned Subordinate Judge, Peddapalli, but did not deem it appropriate to put him on notice. Strangely, the Collector adjudicated upon the status and validity of the said decree and came to the conclusion that as the decree was an *ex parte* one and as the original document relied upon by the petitioner was more than 31 years old, it could not be looked into as a decree would be valid only for 12 years. According to the Collector, the decree ceased to be valid as it was passed more than 26 years ago. Similar is the import of the proceedings dated 18.06.2018 and 22.06.2018 impugned in the other two writ petitions.

At this stage, it would be relevant to note the contours of the litigation in O.S.No.23 of 1988 on the file of the learned Subordinate Judge, Peddapalli. This suit was filed by the petitioner. Panakanti

Narayana Rao, the father of the petitioner, was defendant 1 therein, while Panakanti Radha Kishan Rao, respondent 5 in these cases, was defendant 2. Panakanti Nagarjuna Rao, respondent 6 in W.P.No.4279 of 2019, was arrayed as defendant 3, while Bellamkonda Malhal Rao, the father-in-law of Panakanti Radha Kishan Rao, was defendant 4. Balmoor Prabhakar Rao was shown as defendant 5. This suit was filed with the following prayer:

> 'for declaration of title that the plaintiff is the owner and possession of the suit "A" Schedule lands and that the registered documents nos 629/87, 636/87, and 700/87, are null and void and not binding on the plaintiff and perpetual injunction restraining the defendants 1 to 5 from interfering in possession of the plaintiff over the suit schedule "A" properties.'

Suit schedule 'A' properties in this suit comprised the following items of property.

'Lands situated at Nasturpally village R.M.Kataram Divisional, Peddapalli.

Sl.No.	Sy.No.	Area	Kind	Market Value
1.	84	0-35	Wet	Rs. 2,625-00
2.	86	1-39	Wet	Rs. 5,925-00
3.	41	1-30	Wet	Rs. 5,250-00
4.	43	1-14	Wet	Rs. 4,050-00
5.	12	1-26	Dry	Rs. 2,640-00
6.	20	0-20	Dry	Rs. 800-00
7.	39	2-00	Dry	Rs. 3,200-00
8.	101	11-05	Dry	Rs.17,600-00
9.	110	6-20	Dry	Rs.10,400-00
10	131	1-09	Dry	Rs. 1,960-00
				Rs.54,650-00

Perusal of the judgment dated 31.01.1992 passed in this suit demonstrates that one S.Chandrasekhar, Advocate, had entered appearance for defendants 2 to 5 therein but remained absent on later dates, leading to these defendants being set *ex parte* on 31.01.1992. The judgment was delivered on the very same day, after examination of the plaintiff as P.W.1 and the suit documents, which were marked as Exs.A1 to A10. In effect, the title of the petitioner herein, the plaintiff in the said suit, was declared in relation to the suit properties, apart from holding that the registered documents bearing Nos.629/1987, 636/1987 and 700/1987 were null and void and not binding on him. A perpetual injunction was also granted by the trial Court restraining defendants 1 to 5 from interfering with his possession over the suit properties.

Irrespective of whether a judgment is a reasoned one or not, it has the force of law as long it remains in operation. It is an admitted fact that the aforestated judgment attained finality as no appeal was filed against the same by the defendants in the suit and more particularly, Panakanti Radha Kishan Rao, respondent 5 in these cases. Be it noted that they were all well aware of these suit proceedings as they had entered appearance therein.

Though much was stated by the Collector, Jayashankar-Bhupalpally District, in relation to this decree not being valid owing to the lapse of time, and the same sentiment was echoed by Sri V.R.N.Prasanth, learned counsel, during his arguments, this Court is not persuaded to agree. A declaratory decree need not be executed and it would continue to operate with full force unless set aside. The decree, only in so far as it pertained to the perpetual injunction granted thereby, needed to be executed if there was any threat to the possession of the plaintiff. It is not his case that there was any such threat, warranting execution of that part of the decree. Therefore, irrespective of the time that has passed since the passing of the decree, it still continues to hold the field and its validity does not stand diluted, in any sense, by lapse of time. The conclusions to the contrary drawn by the Collector, Jayashankar-Bhupalpally District, are therefore without legal basis and contrary to settled jurisprudence. In consequence, the documents bearing Nos.629, 636 and 700 of 1987 still remain null and void and cannot be acted upon.

The petitioner filed I.A.No.2 of 2019 in W.P.No.4292 of 2019 to receive certain documents, including these cancelled registered documents. The I.A. is ordered and the documents are taken on record.

Document No.629 of 1987 was the gift settlement deed dated 17.08.1987 executed by Panakanti Narayana Rao in favour of Panakanti Nagarjuna Rao in relation to the extent of Ac.12.00 guntas in Sy.No.110, Ac.1.36 guntas in Sy.No.43 and Ac.0.34 guntas in Sy.No.44/A of Nasturpally Village. Document No.636 of 1987 was the sale deed dated 21.08.1987 executed by Panakanti Narayana Rao in favour of Bellamkonda Malhal Rao in relation to an extent of Ac.1.20 guntas in Sy.No.40, an extent of Ac.1.20 guntas in Sy.No.41 and an extent of Ac.11.05 guntas in Sy.No.101 of Nasturpally Village. Be it noted that this document was signed on behalf of Panakanti Narayana Rao by none other than respondent 5, Panakanti Radha Kishan Rao, as his General Power of Attorney. Document No.700 of 1987 was the registered sale deed dated 02.09.1987 executed by Panakanti Narayana Rao in favour of Balmoor Prabhakar Rao in relation to an extent of Ac.3.10 guntas in Sy.No.7, an extent of Ac.3.12 guntas in Sy.No.12, an extent of Ac.4.00 guntas in Sy.No.39 and an extent of Ac.10.07 guntas in Sy.No.102 of Nasturpally Village. This document was again signed by Panakanti Radha Kishan Rao as the General Power of Attorney of Panakanti Narayana Rao.

These three documents were held to be null and void by the judgment and decree dated 31.01.1992 passed in O.S.No.23 of 1988 by the learned Subordinate Judge, Peddapalli. In consequence, they ceased to have any value in the eye of law. While so, registered sale deed dated

09.11.2011 bearing Document No.2097 of 2011 was executed by Balmoor Prabhakar Rao, on the strength of the registered sale deed bearing Document No.700 of 1987 dated 02.09.1987, whereby he sold an extent of Ac.3.10 guntas in Sy.No.7 and an extent of Ac.3.12 guntas in Sy.No.12 in favour of Panakanti Anupama, the daughter-in-law of Panakanti Radha Kishan Rao, respondent 6 in W.P.No.4292 of 2019. As Balmoor Prabhakar Rao was defendant 5 in O.S.No.23 of 1988 and the registered sale deed bearing Document No.700 of 1987 under which he claimed title over the lands in Sy.Nos.7 and 12 of Nasturpally Village was declared null and void, the question of his executing a sale deed in 2011 in relation to these lands did not arise. This document, on the face of it, was bereft of legal foundation as Balmoor Prabhakar Rao had no title whatsoever in the said lands to pass on to a vendee for consideration. Similarly, the registered sale deed dated 09.11.2011 bearing Document No.2098 of 2011 executed by Balmoor Prabhakar Rao in favour of Panakanti Radha, the wife of Panakanti Radha Kishan Rao, in relation to an extent of Ac.4.00 guntas in Sy.No.39 of Nasturpally Village is equally bereft of legal validity.

Lastly, the Will Deed dated 30.12.1996 bearing Document No.9 of 1996 executed by Bellamkonda Malhal Rao in favour of Panakanti Nagarjuna Rao, the son of Panakanti Radha Kishan Rao, in relation to the land admeasuring Ac.1.20 guntas in Sy.No.40, an extent of Ac.1.20 guntas Sy.No.41 and an extent of Ac.11.05 guntas in Sy.No.101 of Nasturpally Village is also without legal foundation as Bellamkonda Malhal Rao claimed title over these lands by virtue of the registered sale deed bearing Document No.636 of 1997, which was held to be null and void by the learned Subordinate Judge, Peddapalli, in the judgment and decree dated 31.01.1992 passed in O.S.No.23 of 1988.

This being the legal position, it is surprising to note that the Collector, Jayashankar-Bhupalpally District, also brushed aside the declaratory decree dated 31.01.1992 in so far as it pertained to these documents and recognized the so called rights claimed by the beneficiaries under these documents, *vide* the proceedings impugned in these three writ petitions. Once the registered documents bearing Nos.629, 636 and 700 of 1987 were held to be null and void, the documents executed on the strength of these documents also fall to the ground, as the superstructure of such documents cannot stand without a foundation. Therefore, neither the subsequent sale deeds executed by Balmoor Prabhakar Rao nor the Will Deed executed by Bellamkonda Malhal Rao have any value in the eye of law. The understanding to the contrary of the Collector, Jayashankar-Bhupalpally District, violates basic tenets of law and utterly defies comprehension.

Sri V.R.N.Prasanth, learned counsel, placed reliance on B.L.SREEDHAR V/s. K.M.MUNIREDDY (DEAD)[1], wherein the Supreme Court held that estoppel may have the effect of creating substantive rights as against the person estopped. This decision was cited in support of the contention that the petitioner was estopped from claiming rights under the decree dated 31.01.1992 in O.S.No.23 of 1988 as he failed to act upon it or get it executed. However, as already pointed out *supra*, this judgment and decree essentially voiced declarations and did not need execution or acting upon. Therefore, the question of the petitioner being estopped from claiming rights thereunder merely because time has passed would not arise. This contention is therefore devoid of merit and the judgment relied upon does not further the case of respondent 5 and his family members.

[1] (2003) 2 SCC 355

That apart, as already pointed out *supra*, the Collector did not even choose to mention as to in exercise of what power and under which enactment he had issued the proceedings under challenge. Be it noted that as per the scheme of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (*for brevity*, 'the Act of 1971'), once entries are made in the revenue records and a person is aggrieved by any particular entry therein, the remedy provided is by way of an appeal under Section 5(5) thereof to the Revenue Divisional Officer concerned. The remedy of revision is provided under Section 9 of the Act of 1971 to the Collector, be it against the appellate order passed by the Revenue Divisional Officer under Section 5(5) or even against a primary order of the Tahsildar concerned. Though this provision refers to the 'Collector' and Section 2(2) of the Act of 1971 defines 'Collector' to include 'Joint Collector', as a matter of practice, revisionary power under this statutory provision is being exercised only by the Joint Collectors. Further, in terms of Rule 23 of the Telangana Rights in Land and Pattadar Pass Books Rules, 1989 (*for brevity,* 'the Rules of 1989'), a revision under Section 9 of the Act of 1971 has to be presented in writing setting forth concisely the grounds therein and it has to bear a Court fee stamp of Rs.5/- only. Rule 23(3) provides that the Collector has to give sufficient opportunity to the party or parties likely to be adversely affected before passing orders upon such revision, so that they can make their written or oral representation before issuance of such orders. In the cases on hand, the impugned proceedings of the Collector, Jayashankar-Bhupalpally District, refer to the applications made by Panakanti Radha Kishan Rao on 21.05.2018, 01.06.2018 and 01.06.2018. There is no evidence of any revision having been filed in terms of Section 9 of the Act of 1971 read with Rule 23 of the Rules of 1989. It is not even the case of Panakanti Radha Kishan Rao that he preferred any such revisions. The material placed on record bears out that the petitioner was issued regular a pattadar pass book/title deed in relation to the lands claimed by him under the provisions of the Act of 1971. This fact is sufficient in itself to show that his name was entered in the revenue records as against these lands but he was not even put on notice by the Collector. Even if the Collector wanted to exercise revisionary power, there was no question of the procedure contemplated under the Act of 1971 being brushed aside by him so as to clandestinely substitute the petitioner's name with others.

Though respondent 5 claimed that the entry of the names of his family members in the pahanis was sufficient in itself and the direction of the Collector did not really amount to any adjudication, it may be noted that Rule 3 of the Rules of 1989 postulates that a pahani does not constitute the record of rights for the village. As per this rule, the record of rights should be prepared and maintained in Form-I for every separate village. Therefore, entries in the pahanis were of no real import. Further, the impugned proceedings manifest in no uncertain terms that the Collector practically sat in appeal over the Court decree! At this stage, it may also be noted that the so called revenue records projected by Panakanti Radha Kishan Rao and his family members are all of recent origin and most of them are subsequent to the passing of the impugned proceedings. It is not known how pattadar pass books were casually issued in relation to the very same land to different parties by the Tahsildar concerned but the inescapable fact remains that the judgment and decree dated 31.01.1992 passed in O.S.No.23 of 1988 demolishes the very basis for the claims put forth by the defendants therein and in effect, the entries made in the revenue records on the strength of such claims also stood destroyed by the trial Court holding that the basic documents of title under which they claimed rights to be null and void. Further, the record relied upon by the petitioner clearly bears out that as long back as in the year 1975, he filed a declaration under the Act of 1973 leading to the proceedings dated 27.05.1976 of the Land Reforms Tribunal, Peddapalli, in C.C.No.M/245/75, holding to the effect that the lands held by him and his family unit in Sy.Nos.84, 85, 86, 41, 43, 12, 20, 39, 101, 110 and 131, aggregating to Ac.31.47 guntas, were within the ceiling limit. This document lends overwhelming strength to the claim of the petitioner that these lands fell to his lot in the family partition, whereupon he declared them as the landholdings of his family unit. Further, the inescapable fact remains that the claims of Panakanti Radha Kishan Rao and his family members were built upon registered documents which were held to be null and void by the competent civil Court and the said judgment attained finality. Having entered appearance in the said suit, it is not open to Panakanti Radha Kishan Rao or the other defendants therein, to claim ignorance of the suit proceedings. Having allowed the judgment passed therein to attain finality, it is too late in the day for Panakanti Radha Kishan Rao and his family members to seek to brush aside the declaratory decree passed therein.

That apart, their knocking upon the doors of the Collector, Jayashankar-Bhupalpally District, by way of applications is patently contrary to the scheme of the Act of 1971 but unfortunately, the Collector, be it for whatever reason, decided to lend them a helping hand, contrary to the settled legal position and procedure. Having done so, he went to the extent of sitting in appeal over a Court decree and drew conclusions which were wholly opposed to settled legal principles. To compound it further, the Collector relied upon the very same documents which had been held to be null and void in the said decree to uphold the case of

Panakanti Radha Kishan Rao and his family members. To top it off, the Collector did not even choose to explain as to how he was exercising such power, without any enquiry whatsoever, when the applications filed by Panakanti Radha Kishan Rao and his family members did not even come within the ambit of the statutory scheme of the Act of 1971.

On the above analysis, this Court has no hesitation in holding that the Collector, Jayashankar-Bhupalpally District, was completely unjustified in entertaining the applications made by Panakanti Radha Kishan Rao and his family members and in issuing the impugned proceedings in their favour. Apart from being bereft of jurisdiction, the said proceedings violate settled legal principles and cannot be sustained even on merits.

The writ petitions are accordingly allowed setting aside the impugned proceedings dated 15.06.2018, 18.06.2018 and 22.06.2018 of the Collector, Jayashankar-Bhupalpally District. There shall be a consequential direction to the revenue authorities to give complete effect to the decree dated 31.01.1992 passed by the learned Subordinate Judge, Peddapalli, in O.S.No.23 of 1988, by deleting from the revenue records the names of all such persons whose claims are founded on or are traceable to the documents which were held to be null and void therein. The revenue authorities shall also give effect to the declaration of title of the petitioner in relation to the lands covered by the said decree and enter his name in the relevant revenue records and also the pahanis.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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SANJAY KUMAR,J

2nd APRIL, 2019
Note: L.R. copy to be marked.
B/o PGS