

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NOS.3936, 3953,

4356, 4359, 6977, 28878, 40799

and

43394 of 2018

&

I.A.No.3 of 2018 in W.P.No.3953 of 2018,

I.A.No.1 of 2019 in W.P.No.28878 of 2018

COMMON ORDER

Late Hyder Ali Mirza was the absolute owner of an extent of land admeasuring Ac.76.07 guntas in Manchirevula Village, Ranga Reddy District. All the contesting parties in these cases seek to assert before the revenue authorities rival claims of title and ownership over different extents of land forming part of this total landholding of Ac.76.07 guntas of late Hyder Ali Mirza. Interestingly, they all trace their title claims to him.

WRIT PETITION No.3936 OF 2018 :

Kolluri Mallesh @ Dasharath, s/o Kolluri Sriramulu, is the petitioner in this case. He assails the revisionary order dated 04.01.2018 passed by the Joint Collector, Ranga Reddy District, in Case No.D1/6981/2016, and also the underlying appellate order dated 29.09.2016 passed by the Revenue Divisional Officer, Rajendranagar Division, Ranga Reddy District, in Appeal No.C/3933/2014, relating to an extent of land admeasuring Acs.3.00 guntas in Sy.No.493 of Manchirevula Village, Rajendranagar Mandal (now, Gandipet Mandal), Ranga Reddy District. He also seeks a consequential direction to the Deputy Collector and Tahsildar, Gandipet Mandal, Ranga Reddy District, not to act upon the said orders for incorporating the names of P.Gangi Reddy, Sarath Sura, M.Anuradha and P.Krishna Kumari, respondents 5 to 8 in the writ petition, in the revenue records in relation to the said land.

Notice before admission was ordered in this writ petition on 08.02.2018 and the matter was adjourned by six weeks. In the meanwhile, *status quo* with regard to the entries in the revenue records was directed to be maintained. This interim order was extended on 22.03.2018 by four weeks. There was no extension thereafter and it expired by efflux of time.

Sri K.Ravi Mahender, learned counsel, entered appearance for Respondents 5 to 8, while Sri K.Ramakoteswara Rao, learned counsel, entered appearance for respondent 9.

The case of the petitioner is that Kolluri Anjaiah, his grandfather, purchased the total extent of Ac.76.07 guntas in Manchirevula Village from Hyder Ali Mirza on 10.10.1955 under an unregistered sale deed. Thereafter, Kolluri Anjaiah submitted an application and the Nazim Atiyat (a Court constituted under the Hyderabad Atiyat Inquiries Act, 1952) passed Order No.187 of 1951 dated 19.01.1959 directing the District Collector, Hyderabad, to take action in his favour. Consequently, the District Collector, Hyderabad, issued letter dated 15.06.1961 directing the Tahsildar, Hyderabad West Taluq, to mutate the land in the name of Kolluri Anjaiah. The Tahsildar, Hyderabad West Taluq, accordingly issued order dated 15.03.1962 in File No.A3/3692/62 for mutation in the name of Kolluri Anjaiah. According to the petitioner, the Tahsildar recorded the statement of Hyder Ali Mirza during the course of the enquiry before passing this order. The order was implemented in the Faisal Patti in the Jamabandi of the year 1962, sanctioning Ain Kammi in the name of Hyder Ali Mirza and Ain Izafa in the name of Kolluri Anjaiah and the same was approved by the Nazim Jamabandi. According to the petitioner, Kolluri Anjaiah, his grandfather, partitioned the land amongst his five sons on

09.02.1974 and died thereafter on 12.06.1974. The shares allotted to the sons were as follows:

Sl. No.	Particulars	Survey No.	Extent Ac.Gts.
1.	Kolluri Narsimhulu – Eldest Son	478 484 Total	8.02 7.01 <u>15.03</u>
2.	Kolluri Sriramulu – 2 nd Son Note: Since Kolluri Anjaiah & his wife, Gangamma, were under the care of the 2 nd son, he was allotted excess land.	477 470 484 491 492 493 494 497 Total	1.18 1.21 0.20 4.21 0.32 6.00 1.23 1.32 <u>18.07</u>
3.	Kolluri Danaiah – 3 rd Son	479 483 484 485 486 489 490 492 Total	1.11 3.02 0.36 1.00 2.17 2.38 1.21 1.10 <u>14.15</u>
4.	Kolluri Viswanadham – 4 th Son	485 488 491 Total	1.28 5.09 6.07 <u>13.04</u>
5.	Kolluri Krishna – Youngest and 5 th Son	487 493 Total	8.24 6.34 <u>15.18</u>
Grand Total			<u>76.07</u>

Kolluri Narsimhulu, the eldest son, died on 05.01.1981 leaving behind two sons, Surya Prakash and Prem Raj. The share of Kolluri Narsimhulu was partitioned between his two sons as under:

Sl. No.	Particulars	Survey No.	Extent Ac.Gts.
i.	Kolluri Surya Prakash	478	8.02
ii.	Kolluri Prem Raj	494	7.07 <u>15.09</u>

Kolluri Sriramulu, the second son of Kolluri Anjaiah, died on 04.07.1977 and his three sons partitioned his share of Acs.18.07 guntas amongst themselves as under:

Sl. No.	Particulars	Survey No.	Extent Ac.Gts.
i.	Kolluri Mallesh – Eldest Son	477 480 494AA 494E Total	1.18 1.21 0.20 0.26 0.37 5.02
ii.	Kolluri Lakshminarayana – 2 nd Son	491A 492AA Total	4.21 0.32 5.13
iii.	Kolluri Mallesh @ Dasharath – Youngest Son and the writ petitioner	493 497 Total	6.00 1.32 7.32

The writ petitioner claimed that on 05.12.1990, all the legal heirs of late Kolluri Anjaiah applied to the Mandal Revenue Officer/Tahsildar, Rajendranagar Mandal (presently, Gandipet Mandal), Ranga Reddy District, seeking mutation in the revenue records on the basis of succession, in relation to the lands that fell to their respective shares. After due enquiry, the recording authority issued orders on 10.12.1991, directing mutation as prayed for in relation to the shares of Kolluri Surya Prakash, Kolluri Prem Raj, Kolluri Mallesh, Kolluri Lakshminarayana and Kolluri Mallesh @ Dasharath. However, insofar as the share claimed by Kolluri Danaiah was concerned, the recording authority deferred consideration of his claim in respect of Acs.2.38 guntas in Sy.No.489 and Acs.1.21 guntas in Sy.No.490 of Manchirevula Village as the Revenue Divisional Officer, Rajendranagar Division, had allotted this land to third parties, *vide* Proceedings dated 15.11.1991. Similarly, the claim of Kolluri Viswanadham in relation to Acs.5.09 guntas in Sy.No.488 of Manchirevula Village was deferred as the Revenue Divisional Officer, Rajendranagar Division, had allotted this land also to third parties, *vide* the proceedings dated 15.11.1991. Lastly, the claim of Kolluri Krishna in relation to the land admeasuring Acs.6.34 guntas in Sy.No.493 of Manchirevula Village

was also deferred on the same ground relatable to the Revenue Divisional Officer's proceedings dated 15.11.1991. Therefore, mutation was ordered only in relation to Acs.59.25 guntas as against the total claim over Acs.76.07 guntas in Manchirevula Village. The writ petitioner claimed that the Mandal Revenue Officer, Rajendranagar Mandal, also issued pattadar pass books and title deeds in relation to this reduced extent of Acs.59.25 guntas. Be it noted that insofar as the writ petitioner is concerned, he claims that mutation was effected in his favour in relation to Acs.6.00 guntas in Sy.No.493 of Manchirevula Village.

While so, it appears that respondent 9 filed a claim petition under Section 4 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, now known as the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for brevity, 'the Act of 1971'), stating that he had purchased agricultural land admeasuring Acs.3.00 guntas in Sy.No.493/Part of Manchirevula Village from Nade Ali Mirza, one of the legal heirs and the General Power of Attorney (GPA) of the remaining legal heirs of late Hyder Ali Mirza, under registered Sale Deed bearing Document No.1403 of 2010 dated 03.06.2010 and sought mutation in his favour. By proceedings dated 03.08.2010, the Deputy Collector and Tahsildar, Rajendranagar Mandal, Ranga Reddy District accepted his claim and effected mutation in his favour. Thereupon, respondents 5 to 8 preferred an appeal before the Revenue Divisional Officer, Rajendranagar Division, Ranga Reddy District, under Section 5(5) of the Act of 1971, against the proceedings dated 03.08.2010 of the Tahsildar. The case of respondents 5 to 8 was that the legal heirs of late Hyder Ali Mirza had appointed one K.C.K.Murahari as their General Power of Attorney (GPA) and the said GPA executed Agreement of Sale dated 25.12.1985 in favour of eleven persons, viz., Srinivas Reddy, C.B.Mohan, Kolluri Viswanadham,

N.V.Suresh, B.Raju, B.Gopal, B.Govind Raj, Anthony Louis, Pratap Singh, B.V.Rathnam and C.N.Prasad, in relation to the land in Sy.No.493 and lands in other survey numbers of Manchirevula Village and put the proposed vendees in possession. However, due to some disputes between the legal heirs of late Hyder Ali Mirza and the above named GPA, a case came to be filed before the Special Court under the Land Grabbing (Prohibition) Act, 1982 (for brevity, 'the Act of 1982'), to declare the proposed vendees as land grabbers in respect of the lands in Sy.No.493 and the other survey numbers of Manchirevula Village. This case was dismissed on 27.08.1993 holding that the Agreement of Sale dated 25.12.1985 was valid and binding. The eleven proposed vendees under this agreement then filed O.S.No.506 of 1989 before the learned Principal Subordinate Judge, Ranga Reddy District, seeking specific performance in terms thereof. The suit was decreed on 19.12.1997. Thereafter, the surviving decree holders and the legal representatives of the deceased decree holders entered into Agreement of Sale dated 06.02.2004 with respondents 5 to 8 proposing to sell to them Acs.15.00 guntas in Sy.Nos.493, 494/2, 494/3 and 497 of Manchirevula Village. The decree in O.S.No.506 of 1989 was assigned in their favour. Respondents 5 to 8 claimed that they were put in possession of the land pursuant to this agreement, which also included the extent of Acs.3.00 guntas in Sy.No.493 covered by the proceedings dated 03.08.2010 of the Deputy Collector and Tahsildar, Rajendranagar Mandal, Ranga Reddy District. It is on this basis that they claimed absolute title and possession over the larger extent of land admeasuring Acs.6.00 guntas in Sy.No.493 of Manchirevula Village. While so, as Nade Ali Mirza, GPA of the legal heirs of late Hyder Ali Mirza, executed a sale deed in favour of respondent 9 in relation to Acs.3.00 guntas in Sy.No.493 of Manchirevula Village

fraudulently and basing thereupon, respondent 9 secured mutation in the revenue records, respondents 5 to 8 preferred an appeal before the Revenue Divisional Officer, Rajendranagar Division. This appeal was allowed, *vide* the order dated 29.09.2016, directing incorporation of the names of respondents 5 to 8 in the revenue records as pattadars and possessors. Aggrieved by this order, respondent 9 preferred a revision under Section 9 of the Act of 1971 before the Joint Collector, Ranga Reddy District, in Case No.D1/6981/2016, leading to the revisionary order dated 04.01.2018. Significantly, neither the writ petitioner nor his family members were parties to these proceedings.

It is the case of the writ petitioner that neither respondents 5 to 8, on the one hand, nor respondent 9, on the other, had any sustainable rights inasmuch as their claims were routed through the legal heirs of late Hyder Ali Mirza, where as Hyder Ali Mirza had, during his lifetime, sold the entire extent of Acs.76.07 guntas to Kolluri Anjaiah, his grandfather. According to him, the State initiated land acquisition proceedings in relation some of the land in Sy.No.493 of Manchirevula Village for the purpose of the Outer Ring Road and thereafter, only Acs.6.00 guntas remained, which fell to his share in the partition. He claimed that he was also issued a pattadar pass book/title deed in respect of this land. He independently came to know of the order dated 29.09.2016 passed by the Revenue Divisional Officer, Rajendranagar Division, and filed a revision under Section 9 of the Act of 1971 on 30.12.2017. He claimed that he was awaiting a notice of hearing from the office of the Joint Collector, Ranga Reddy District, but to his surprise, he came to know that the Joint Collector had separately passed an order in the revision filed by respondent 9 on 04.01.2018. By the said order, the Joint Collector dismissed the revision and confirmed the order dated 29.09.2016 passed

by the Revenue Divisional Officer, Rajendranagar Division. In effect, the mutation directed to be carried out in favour of respondents 5 to 8 by the Revenue Divisional Officer, Rajendranagar Division, stood confirmed. It is the contention of the petitioner that the proceedings in their entirety are liable to be set aside, having been conducted without notice to the actual owner and possessor of the land, i.e., himself. In this factual backdrop, the petitioner is before this Court assailing the revisionary order dated 04.01.2018 and the appellate order dated 29.09.2016.

WRIT PETITION No.3953 OF 2018 :

Kolluri Mallesh @ Dasharath, the petitioner in W.P.No.3936 of 2018, is the petitioner in this case also. He assails the revisionary order dated 04.01.2018 passed by the Joint Collector, Ranga Reddy District, in Case No.D1/6982/2016 and also the underlying appellate order dated 29.09.2016 passed by the Revenue Divisional Officer, Rajendranagar Division, Ranga Reddy District, in Appeal No.C/3934/2014 in relation to the balance extent of land admeasuring Acs.3.00 guntas in Sy.No.493 of Manchirevula Village, Rajendranagar Mandal (now, Gandipet Mandal), Ranga Reddy District. He also seeks a consequential direction to the Deputy Collector and Tahsildar, Gandipet Mandal, not to act upon the said orders for incorporating the names of P.Gangi Reddy, Sarath Sura, M.Anuradha and P.Krishna Kumari, respondents 5 to 8, in the revenue records in relation to this land.

Notice was ordered in this writ petition on 08.02.2018 and *status quo* with regard to the entries in the revenue records was directed to be maintained for six weeks. This interim order was extended on 22.03.2018 by another four weeks, but there was no extension thereafter. The interim order therefore ceased to operate by efflux of time.

The factual narration being the same as in W.P.No.3936 of 2018 insofar as the claim of the petitioner is concerned, the orders under challenge differ. In this case, K.Sai Neeraj Kumar, respondent 9, secured mutation proceedings dated 03.08.2010 from the Deputy Collector and Tahsildar, Rajendranagar Mandal, Ranga Reddy District, claiming that he had purchased the extent of Acs.3.00 guntas in Sy.No.493/Part of Manchirevula Village under Registered Sale deed bearing Document No.1404 of 2010 dated 03.06.2010 from Nade Ali Mirza, one of the legal heirs and GPA of the other legal heirs of late Hyder Ali Mirza. Aggrieved thereby, P.Gangi Reddy, Sarath Sura, M.Anuradha and P.Krishna Kumari, respondents 5 to 8, claiming independently through K.C.K.Murahari, another GPA of the legal heirs of late Hyder Ali Mirza, filed an appeal before the Revenue Divisional Officer, Rajendranagar Division, Ranga Reddy District, and emerged successful when the said appeal was allowed by the order dated 29.09.2016. Respondent 9 thereupon filed a revision under Section 9 of the Act of 1971 in Case No.D1/6982/2016 before the Joint Collector, Ranga Reddy District, which was dismissed by the order dated 04.01.2018. As in the earlier case, the writ petitioner filed an independent revision on 30.12.2017 before the Joint Collector, Ranga Reddy District, aggrieved by the order dated 29.09.2016, but the same was kept pending and the revision of respondent 9 alone was disposed of, *vide* the order dated 04.01.2018. Pleadings and material being the same in both the writ petitions, they do not need reiteration.

Sri K.Ravi Mahender, learned counsel, entered appearance for respondents 5 to 8, while the notice sent to respondent 9 was returned with the endorsement 'Unclaimed'. However, I.A.No.3 of 2018 was filed in this writ petition by one K.P.V.Subbaiah claiming to be the donee of respondent 9, his own son, under registered Gift Deed bearing Document

No.886 of 2018 dated 30.01.2018 insofar as the subject land is concerned and seeking leave to permit him to defend the case on behalf of respondent 9. I.A.No.3 of 2018 is unopposed and is accordingly ordered.

Respondents 5 to 8 in W.P.Nos.3936 and 3953 of 2018, being the same, filed a common counter-affidavit. P.Gangi Reddy, respondent 5 in both the writ petitions, deposed to this affidavit and he stated as follows:

Hyder Ali Mirza was the original owner of the land admeasuring Acs.12.34 guntas in Sy.No.493 besides other lands in Manchirevula Village. Upon his demise in 1983, his three sons and four daughters succeeded to his properties. The legal heirs of late Hyder Ali Mirza appointed one K.C.K.Murahari as their GPA to deal with their properties as they were staying abroad most of the time. The said GPA executed Agreement of Sale dated 25.12.1985 in favour of eleven persons in relation to the entire land in Sy.No.493, besides other lands in the village. He inducted the said purchasers into possession after receiving part sale consideration. However, some disputes cropped up between the GPA and the legal heirs and a land grabbing case in LGC.No.136 of 1989 was instituted on the file of the Special Court under the Act of 1982 against the purchasers. The Special Court dismissed the case by judgment dated 27.08.1993 upholding the agreement of sale. Separately, by way of a suit in O.S.No.506 of 1989 on the file of the learned Principal Subordinate Judge, Ranga Reddy District at Saroornagar, the eleven purchasers sought specific performance of the agreement of sale. This suit was decreed on 19.12.1997 but making it subject to the judgment that may be rendered in O.S.No.146 of 1989 on the file of the learned Principal Senior Civil Judge, Ranga Reddy District, which had been instituted by one Mohd. Jahangir seeking specific performance of an agreement of sale in relation to a larger extent of Acs.6.34 guntas out of the Acs.12.34 guntas in

Sy.No.493 of Manchirevula Village. However, O.S.No.146 of 1989 came to be dismissed on 30.09.2002 holding that the suit agreement was not genuine. A.S.No.20 of 2003 on the file of the High Court arose out of this judgment but the interim injunction petition filed therein was dismissed by the High Court on 01.04.2003.

Independently, the legal heirs of late Hyder Ali Mirza preferred A.S.No.610 of 1997 aggrieved by the judgment and decree in O.S.No.506 of 1989 filed by the eleven purchasers under the Agreement of Sale dated 25.12.1985. This appeal was dismissed for default by the High Court on 27.12.1999. The legal heirs thereupon filed miscellaneous petitions in the appeal to condone the delay of 1095 days in seeking the setting aside of the dismissal order and also to set it aside. The condone delay petition was however dismissed on 16.09.2003. Aggrieved thereby, the legal heirs filed SLP (Civil) No.2195 of 2004 but the Supreme Court dismissed the same on 15.03.2004. However, the said appeal was restored thereafter.

In the year 2004, the surviving decree holders in O.S.No.506 of 1989 along with the legal heirs of the deceased decree holders, except one Pratap Singh who possessed 10/11th share in the suit property, executed Agreement of Sale dated 06.02.2004 in favour of respondents 5 to 8, agreeing to sell Acs.15.00 guntas in Sy.Nos.493, 494/2, 494/3 and 497 of Manchirevula Village and inducted them into possession in part performance. Thereafter, all the decree holders or their heirs, except Pratap Singh, assigned the decree in O.S.No.506 of 1989 in favour of respondents 5 to 8 under registered Assignment Deeds bearing Nos.11046 dated 21.10.2005 and 11587 of 2005 dated 07.11.2005.

The State acquired an extent of Acs.7.28 guntas out of Acs.12.34 guntas in Sy.No.493 of Manchirevula Village for the purpose of formation of the Outer Ring Road. Thereafter, only Acs.5.06 guntas of land was left

in this survey number. The possession of this land remained with respondents 5 to 8. Execution proceedings were initiated by respondents 5 to 8 along with the legal heirs of late Pratap Singh, the decree holder, in E.P.No.56 of 2014 on the file of the learned Principal Senior Civil Judge, Ranga Reddy District, and Sale Deed dated 30.07.2014 was executed through Court in relation to the left over extent of Acs.5.06 guntas in Sy.No.493 of Manchirevula Village in favour of respondents 5 to 8 (to the extent of Acs.4.28 guntas) and in favour of the legal heirs of late Pratap Singh (to the extent of Acs.0.18 guntas). This Sale Deed was registered on 07.08.2014 with Document No.3754 of 2014.

While things stood thus, A.Madan Mohan, respondent 9 in W.P.No.3936 of 2018 and K.Sai Neeraj Kumar, respondent 9 in W.P.No.3953 of 2018, claimed rights over individual extents of Acs.3.00 guntas in Sy.No.493 of Manchirevula Village on the basis of collusive and make-believe sale deeds. They also filed O.S.No.891 of 2014 and 892 of 2014 respectively before the learned XIII Additional District Judge, Ranga Reddy District, against respondents 5 to 8 claiming that they were the owners and possessors of the subject lands. According to respondent 5, it was only after they received notices in the suits in the last week of August, 2014, that respondents 5 to 8 came to know about the orders dated 03.08.2010 passed by the Deputy Collector and Tahsildar, Rajendranagar Mandal, in favour of these two persons. They thereupon filed appeals before the Revenue Divisional Officer, Rajendranagar Division, which were allowed by separate orders dated 29.09.2016. A.Madan Mohan and K.Sai Neeraj Kumar failed to secure interim relief in the suits filed by them and preferred Civil Miscellaneous Appeal Nos.366 and 365 of 2018 respectively before the High Court and the same are pending. No interim relief was granted therein either. Legal notice dated

23.07.2015 was issued to respondents 5 to 8 by Nade Ali Mirza, one of the heirs of late Hyder Ali Mirza who also held the GPA for the rest of them, wherein he stated that A.S.No.610 of 1997 was filed before the High Court challenging the specific performance decree in O.S.No.506 of 1989 and that the operation of the said decree was stayed, thereby making the execution proceedings in E.P.No.54 of 2014 and the consequential Registered Sale Deed bearing Document No.3754 of 2014 illegal and unsustainable. Respondents 5 to 8 thereupon made enquiries and filed I.A.No.1 of 2015 in A.S.No.610 of 1997 seeking to be impleaded therein. The writ petitioner in these two cases also filed a similar application in I.A.No.1 of 2018 in A.S.No.610 of 1997 seeking to be impleaded. However, the High Court allowed the implead petition filed by respondents 5 to 8 but dismissed the implead petition filed by the writ petitioner, holding that he was neither a necessary nor a proper party to the appeal as he was claiming title adverse to the defendants in the said suit. The High Court further observed that as he was claiming independent rights, he necessarily had to establish the same by way of a separate proceeding and could not come on record in the appeal. According to respondent 5, the claim of the writ petitioner was based on the alleged unregistered sale deed of the year 1955 and the mutation proceedings of the years 1962 and 1991, which were never implemented in the revenue records. He asserted that it was for the writ petitioner to explain as to why mutation was not implemented for 26 years and why no steps were taken in that regard. He pointed out that one of the assignors of the decree in O.S.No.506 of 1989 was Kolluri Viswanadham, who was the fourth son of Kolluri Anjaiah, and he claimed that he jointly purchased the suit land under the Agreement of Sale dated 25.12.1985 executed by K.C.K.Murahari, the GPA of the legal heirs of late Hyder Ali Mirza.

Respondent 5 contended that, if really Kolluri Anjaiah, the father of Kolluri Viswanadham, had purchased the entire land from Hyder Ali Mirza in 1955, there would have been no necessity for him to enter into an agreement of sale in 1985 to buy the very same land which had already been purchased by his father. He further stated that Hyder Ali Mirza had filed a declaration under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for brevity 'the Act of 1973'), in relation to his landholdings and an order was passed by the Land Reforms Tribunal, Hyderabad, on 05.11.1976 in C.C.No.176/W/75 holding that Hyder Ali Mirza was in surplus to the extent of 0.9910 standard holding. However, after insertion of Section 4-A in the Act of 1973, this order was revised on 28.06.1977 by extending separate holdings to the major sons, whereupon Hyder Ali Mirza's declaration was reconsidered and he was held to be a non-surplus holder. After such re-determination, the Land Reforms Tribunal addressed letter dated 19.08.1977 to the Revenue Divisional Officer, East Division, directing re-transfer of the land to Hyder Ali Mirza and the land was accordingly re-transferred. Respondent 5 stated that the very filing of the declaration by Hyder Ali Mirza and the events that took place thereafter clearly falsified the case put forth by the writ petitioner.

Respondent 5 also relied upon the affidavit filed by Kolluri Prem Raj, the first cousin of Kolluri Mallesh @ Dasharath, in W.P. No.43394 of 2018, wherein he admitted that no mutation was actually effected in favour of the Kolluri family. Kolluri Prem Raj claimed that he was the owner and possessor of the land admeasuring Acs.7.01 guntas in Sy.No.494/A of Manchirevula Village in terms of the partition effected during the lifetime of his father. He referred to the same facts which were set out at length in the writ affidavits filed by Kolluri Mallesh @ Dasharath

in his two writ petitions. According to Prem Raj, his father was allotted the land admeasuring Acs.15.03 guntas in Sy.No.494/A of the village and after his death, he and his brother partitioned the land, whereby he got the subject extent of Acs.7.01 guntas in Sy.No.494/A of Manchirevula Village. He claimed that he approached the recording authority for mutation and proceedings dated 10.12.1991 were issued effecting mutation in his name. However, in spite of the said order, the mutation was not implemented and the name of the original pattadar, Hyder Ali Mirza, still continues to figure in the pahanies.

WRIT PETITION No.4356 OF 2018 :

A.Madan Mohan, respondent 9 in W.P.No.3936 of 2018, is the petitioner in this case. He challenges the revisionary order dated 04.01.2018 passed by the Joint Collector, Ranga Reddy District, in Case No.D1/6981/2016 and the appellate order dated 29.09.2016 of the Revenue Divisional Officer, Rajendranagar Division, in Appeal No.C/3933/2014. He seeks a consequential direction to confirm the proceedings dated 03.08.2010 issued in his favour by the Deputy Collector and Tahsildar, Rajendranagar Mandal.

Notice was ordered in this writ petition on 14.02.2018 and *status quo* with regard to possession and the revenue records was directed to be maintained for a period of six weeks. This interim order was extended till the end of June, 2018, but there was no extension thereafter.

Sri K.Ravi Mahender, learned counsel, entered appearance for P.Gangi Reddy, Sarath Sura, M.Anuradha, and P.Krishna Kumari, respondents 5 to 8.

It is the case of the petitioner that Hyder Ali Mirza, being the owner of Acs.12.34 guntas in Sy.No.493 of Manchirevula Village, died in the year 1983 leaving behind three sons and four daughters. One son died and the

remaining heirs executed a GPA in favour of one amongst themselves, viz., Nade Ali Mirza. In turn, Nade Ali Mirza, the GPA, sold Acs.3.00 guntas out of the larger extent of Acs.12.34 guntas in Sy.No.493/Part of Manchirevula Village to him under Registered Sale Deed bearing Document No.1403 of 2010 dated 03.06.2010. On the strength of this conveyance, the petitioner claimed that he secured mutation proceedings dated 03.08.2010 but aggrieved thereby, respondents 5 to 8 filed an appeal before the Revenue Divisional Officer, Rajendranagar Division, in the year 2014. In the meanwhile, as respondents 5 to 8 were also interfering with his possession, he filed O.S.No.892 of 2014 before the learned XIII Additional District Judge, Ranga Reddy District at L.B. Nagar, and an interim injunction was granted in his favour. According to him, the interim injunction was still in force when the writ petition was filed. He then referred to the details underlying the claim of respondents 5 to 8, already set out *supra*. He contended that the Revenue Divisional Officer, Rajendranagar Division, erred in allowing the appeal filed by respondents 5 to 8, *vide* the order dated 29.09.2016, leading to cancellation of his pattadar pass book and title deed. Aggrieved thereby, he filed a revision under Section 9 of the Act of 1971 but the same was dismissed under the impugned order dated 04.01.2018 passed by the Joint Collector, Ranga Reddy District. According to the petitioner, the GPA executed in favour of K.C.K.Murahari was cancelled by the legal heirs of late Hyder Ali Mirza and the said GPA himself stated so in his written statement filed in O.S.No.506 of 1989. He therefore asserted that the said GPA could not have executed an agreement of sale on 25.12.1985. He pointed out that the legal heirs of Hyder Ali Mirza had filed A.S.No.610 of 1997 before the High Court aggrieved by the specific performance decree in O.S.No.506 of 1989 and that the same was pending. He pointed out that A.S.No.610 of 1997 was

initially dismissed for default on 27.12.1999 and the condone delay petition in C.M.P.No.5042 of 2003 was dismissed on 16.09.2003. SLP (Civil) No.195 of 2004 arising from such dismissal was also dismissed by the Supreme Court on 15.03.2004. However, A.S.No.610 of 1997 was restored to the file by the High Court, by order dated 14.11.2003 passed in C.M.P.Nos.985 and 986 of 2008 in A.S.No.610 of 1997. According to the writ petitioner, upon such restoration of the appeal the stay of the judgment and decree passed in O.S.No.506 of 1989 automatically revived and therefore, the executing Court ought not to have proceeded in the matter after the said restoration. He therefore asserted that the registered Sale Deed bearing No.3754 of 2014 registered by the Principal Senior Civil Judge, Ranga Reddy District, in E.P.No.56 of 2014 was not valid. On the strength of these facts, the petitioner sought setting aside of the orders passed against him and restoration of the proceedings dated 03.08.2010.

Respondents 5 to 8 filed a counter-affidavit on the same lines as was filed in W.P.Nos.3936 and 3953 of 2018. Therein, they stated that the interim injunction granted in favour of the writ petitioner in O.S.No.892 of 2014 was vacated on 26.02.2018 and aggrieved thereby, the writ petitioner preferred C.M.A.No.366 of 2018 before the High Court and that the same was pending without any interim relief being granted therein. They pointed out that in the revision filed by the writ petitioner in Case No.D1/6981/2016, the Joint Collector initially granted an order of *status quo* with regard to entries in the revenue records but the said order was vacated on 20.11.2017 and thereafter, the revision itself came to be dismissed, *vide* the order dated 04.01.2018.

W R I T P E T I T I O N No.4359 OF 2018 :

K.Sai Neeraj Kumar, respondent 9 in W.P.No.3953 of 2018, is the petitioner in this case and he is represented by his donee and father,

K.P.V.Subbaiah. He assails the revisionary order dated 04.01.2018 passed by the Joint Collector, Ranga Reddy District, in Case No.D1/6982/2016 and the appellate order dated 29.09.2016 of the Revenue Divisional Officer, Rajendranagar Division, Ranga Reddy District, in Appeal No.C/3934/2014. In consequence, he seeks confirmation of the mutation proceedings dated 03.08.2010 issued in his favour by the Deputy Collector and Tahsildar, Rajendranagar Mandal, Ranga Reddy District.

Notice was ordered in this writ petition on 14.02.2018 and *status quo* with regard to possession and revenue records was directed to be maintained for six weeks. This interim order was extended on 29.03.2018 till the end of June, 2018, but there was no extension thereafter.

Sri K.Ravi Mahender, learned counsel, entered appearance for P.Gangi Reddy, Sarath Sura, M.Anuradha and P.Krishna Kumari, respondents 5 to 8.

The claim of the writ petitioner is identical in terms to that of A.Madan Mohan, the writ petitioner in W.P.No.4356 of 2018, and does not require reproduction. No separate counter was filed in this writ petition by respondents 5 to 8.

WRIT PETITION Nos.6977 AND 28878 OF 2018 :

Kolluri Prem Raj, grandson of Kolluri Anjaiah and the first cousin of Kolluri Mallesh @ Dasharath, the petitioner in W.P.Nos.3936 and 3953 of 2018, is the petitioner in both these cases. His grievance in W.P.No.6977 of 2018 is with regard to the *suo motu* revision in Case No.D1/831/2018 initiated by the Joint Collector, Ranga Reddy District, under Section 9 of the Act of 1971 in relation to the mutation proceedings dated 14.02.2018 of the Tahsildar, Gandipet Mandal, Ranga Reddy District. Thereby, the Tahsildar had directed incorporation of the name of the writ petitioner in the revenue records against an extent of Acs.7.01 guntas in Sy.No.494 of

Manchirevula Village, on the strength of the earlier mutation proceedings issued in the years 1962 and 1991.

Notice was ordered in this writ petition on 05.03.2018 and *status quo* with regard to the revenue entries was directed to be maintained for a period of four weeks. The order was extended till the end of June, 2018.

The grievance of Kolluri Prem Raj in W.P.No.28878 of 2018 is with regard to the letter dated 22.02.2018 addressed by the Tahsildar, Gandipet Mandal, to the Collector, Ranga Reddy District, whereunder the Tahsildar referred to her office order in proceedings No.D/181/2017 dated 14.02.2018 and stated that she had kept the same in abeyance on 15.02.2018, instructing the Section Assistant not to despatch it. According to the Tahsildar, the order passed by her was liable to be cancelled basing on the material provided by third parties and she accordingly requested the Collector to take up the matter *suo motu* under Section 9 of the Act of 1971 and cancel the order dated 14.02.2018 in respect of the land admeasuring Acs.7.01 guntas in Sy.No.494 of Manchirevula Village. The petitioner contends that initiation of a *suo motu* revision on the strength of this letter is illegal, *malafide* and a colourable exercise of power.

On 16.08.2018, W.P.No.28878 of 2018 was directed to be posted along with W.P.No.6977 of 2018. Thereafter, on 22.10.2018 a common order was passed in I.A.No.2 of 2018 in W.P.No.6977 of 2018 and I.A.No.1 of 2018 in W.P.No.28878 of 2018. By the said order, the Court directed interim stay of all further proceedings in the *suo motu* revision in Case No.D1/831/2018 on the file of the Joint Collector, Ranga Reddy District, being of the opinion that exercise of *suo motu* revisionary power, when an appellate remedy was available, required examination.

In the affidavit filed in support of W.P.No.6977 of 2018, Kolluri Prem Raj, stated as follows: His grandfather, Kolluri Anjaiah, was the

owner of Acs.76.07 guntas in Sy.Nos.477, 478, 479, 480, 483, 484 to 494 and 497 of Manchirevula Village, having purchased the said land from Hyder Ali Mirza under unregistered Sale Deed dated 10.10.1955. Even prior thereto, Kolluri Anjaiah cultivated the land as a Kouldar since 1930. Kolluri Anjaiah approached the Nazim Atiyat seeking transfer of the land in his favour on 04.07.1957. The Commissioner of Atiyat conducted an enquiry in File No.105 and passed an order on 19.01.1959 in Case No.187 of 1957. Hyder Ali Mirza appeared before the Commissioner and admitted that he had alienated the land in favour of Kolluri Anjaiah and that he was in possession of the same. The Commissioner of Atiyat accordingly directed the revenue authorities to incorporate the name of Kolluri Anjaiah in the revenue records and it was implemented by the Tahsildar, Taluq West, Hyderabad District, in File No.A3/3692/1962 dated 15.03.1962. Despite this order, the name of Hyder Ali Mirza was continued in the revenue records till the death of Kolluri Anjaiah in 1974. The heirs of late Kolluri Anjaiah approached the Tahsildar and applied in Form 6-A under the Act of 1971 seeking mutation. Proceedings dated 10.12.1991 were passed recommending the issuance of pattadar pass books and title deeds to them. As per the family partition effected prior thereto, Kolluri Prem Raj claimed that he was allotted Acs.7.01 guntas in Sy.No.494/A of Manchirevula Village and was also issued a pattadar pass book and title deed in respect thereof. He claimed that after the Government of Telangana introduced updation of revenue records in order to streamline the same and provide transparency, he came to know that his name was not shown in the revenue records. He thereupon approached the Tahsildar, Gandipet Mandal, to implement the earlier mutation proceedings. Having conducted an enquiry into the rival claims made by Kolluri Prem Raj and the legal heirs of late Hyder Ali Mirza, the Tahsildar

accepted the claim of Kolluri Prem Raj and directed incorporation of his name in the revenue records, *vide* the order dated 14.02.2018. Kolluri Prem Raj claimed that, to his utter surprise, notice dated 21.02.2018 was served upon him by the office of the Revenue Divisional Officer, Rajendranagar Division, on 22.02.2018 at 1.00 AM in the night informing him that the Tahsildar, Gandipet Mandal, had submitted report dated 20.02.2018 for cancellation of the order dated 14.02.2018 and having considered the same, it was taken up as an appeal under Section 5(5) of the Act of 1971. He was further informed that the appeal stood posted for hearing on 22.02.2018 at 11.00 AM. He thereupon filed W.P.No.6118 of 2018 contending that the Revenue Divisional Officer had no power to take up a *suo motu* appeal under Section 5(5) of the Act of 1971. When the case came up for hearing on 23.02.2018, the Government Pleader informed the Court that the impugned notice dated 21.02.2018 had been withdrawn for lack of jurisdiction on the part of the Revenue Divisional Officer. The writ petition was accordingly closed.

While so, he came to know from the newspapers on 24.02.2018 that the Joint Collector, Ranga Reddy District, had taken up a *suo motu* revision against the order dated 14.02.2018 passed by the Tahsildar, Gandipet Mandal, and had suspended the same. He thereupon made an enquiry in the office of the Joint Collector and obtained the order dated 22.02.2018 passed by the Joint Collector in Case No.D1/831/2018. Contending that the Tahsildar, Gandipet Mandal, could not have submitted reports dated 20.02.2018 and 22.02.2018 to two different authorities, Kolluri Prem Raj alleged that initiation of the *suo motu* revision was *malafide*. He further contended that all the interested parties had notice of the proceedings prior to the passing of the order dated 14.02.2018 by the Tahsildar, Gandipet Mandal. According to him, if any one was aggrieved

by the said order, it was for them to assail the same before the appropriate forum and the Joint Collector could not act on their behalf on the pretext of having received a report from the Tahsildar. He asserted that the manner in which the Joint Collector was acting clearly showed bias, motivation and abuse of power. It is on the strength of these pleadings that he sought a declaration that initiation of the *suo motu* revision was illegal.

Omer Ali Khan, s/o. late Rahmat Ali, respondent 7 in this writ petition, filed a caveat and entered appearance through Sri C.Naresh Reddy, learned counsel. He filed a counter-affidavit through Musku Ashok Kumar, his GPA, stating as follows: Hyder Ali Mirza, being the absolute owner of the land admeasuring Acs.7.01 guntas in Sy.No.494/1 of Manchirevula Village agreed to sell it to one Haji Fakruddin and executed Agreement of Sale dated 05.04.1983. He also put Haji Fakruddin in possession of the land. As Hyder Ali Mirza and after his death, his legal heirs, did not execute a sale deed, Haji Fakruddin filed O.S.No.154 of 1988 on the file of the learned Principal Subordinate Judge, Ranga Reddy District, seeking specific performance of the Agreement of Sale dated 05.04.1983. The suit was decreed by judgment dated 10.11.1989. The said decree was assigned by Haji Fakruddin in favour of Omer Ali Khan and others, who initiated execution proceedings in E.P.No.55 of 1998, which is pending. Out of the extent of Acs.7.01 guntas in Sy.No.494/1 of Manchirevula Village, an extent of Acs.1.21 guntas was acquired by the Government for the purpose of the Outer Ring Road. Only an extent of Acs.5.20 guntas is available now. According to respondent 7, from the date of the assignment, the assignees were the owners and possessors of the remaining extent of Acs.5.20 guntas in Sy.No.494/1 of Manchirevula Village. Upon coming to know of the applications filed by the legal heirs of

Hyder Ali Mirza and the writ petitioner, respondent 7 approached the Tahsildar, Gandipet Mandal, for filing a vakalath and a counter. However, he was informed that the matter was posted to 17.02.2018 and on that day, he was told that the Tahsildar had reserved orders. It was only on the intervening night of 19/20.02.2018, when a mob tried to trespass into the land, that he came to know of the order dated 14.02.2018 passed by the Tahsildar. He further stated that Kolluri Krishna and others had filed representation dated 22.02.2016 before the Tahsildar, Rajendranagar Mandal, seeking mutation in their favour in relation to the land admeasuring Acs.24.27 guntas in Sy.Nos.478/A, 483/E, 483/O, 484/EE, 485/W, 487/AA, 491/AA, 492/A/2 and 494/A of Manchirevula Village on the strength of the unregistered Sale Deed dated 10.10.1955 executed by Hyder Ali Mirza in favour of Kolluri Anjaiah; the order dated 19.01.1959 of the Nazim Atiyat; and the order dated 15.03.1962 of the Tahsildar, West Taluq; and thereafter, W.P.No.15325 of 2016 was filed by Kolluri Krishna and the others alleging that their representation dated 22.02.2016 was not being considered. The said writ petition was disposed of by order dated 17.02.2016, directing the Tahsildar to dispose of the representation in accordance with law. Thereupon, the Tahsildar, Rajendranagar Mandal, passed order dated 23.08.2016 rejecting the representation of Kolluri Krishna and the others on the ground that no records were available to show that any orders were passed earlier. Against this order dated 23.08.2016, Kolluri Krishna and the others filed W.P.No.40984 of 2017 alleging that they were not put on notice prior to the rejection of their representation. The said writ petition was disposed of, by order dated 20.12.2017, directing the Tahsildar, Rajendranagar Mandal, to reconsider the representation dated 22.02.2016 of Kolluri Krishna and the others after giving notice to them. While so, application dated 08.02.2017 was

filed by Nade Ali Mirza, the GPA, claiming succession through late Hyder Ali Mirza and seeking incorporation of the names of the legal heirs of late Hyder Ali Mirza as the owners of the subject land. Objections dated 18.08.2007 were filed by Kolluri Srikanth and others and petition dated 21.12.2017 was filed by Kolluri Prem Raj, all claiming through Kolluri Anjaiah. One T.Sachin Kumar Singh, an heir of Pratap Singh who was amongst the decree holders in O.S.No.506 of 1989, also filed objection petition dated 01.12.2017. According to respondent 7, the Tahsildar did not consider either the application filed by the legal heirs of late Hyder Ali Mirza or the representations of Kolluri Krishna and others and straightaway passed the order on 14.02.2018. No opportunity was given to respondent 7 to contest the claim of the legal heirs of Kolluri Anjaiah.

In the meanwhile, notices were served in the *suo motu* revision taken up by the Joint Collector, Ranga Reddy District, and the matter was posted for enquiry on 03.03.2018. At that stage, the writ petition came to be filed. He then referred to the merits of the matter and asserted that the claim of Kolluri Prem Raj was without substance. According to him, the Tahsildar, Gandipet Mandal, exceeded her jurisdiction in passing the order dated 14.02.2018 as she could not decide disputed questions of title and could not assume the role of a civil Court. He pointed out that the Tahsildar herself submitted a report to the Collector as to the irregularity committed by her, leading to the initiation of the *suo motu* revision and therefore, there was no illegality in the same. He sought vacating of the interim order dated 05.03.2018, by way of I.A.No.1 of 2019 in W.P.No.6977 of 2018.

In the affidavit filed in support of W.P.No.28878 of 2018, Kolluri Prem Raj reiterated the factual history set out in W.P.No.6977 of 2018 and contended that some third parties exerted pressure upon the

Tahsildar, Gandipet Mandal, on extraneous considerations, without challenging the order dated 14.02.2018 passed by her and thereupon, the Tahsildar addressed letter dated 22.02.2018 to the Collector, Ranga Reddy District, leading to initiation of the *suo motu* revision. He stated that the Tahsildar, being a quasi-judicial authority, ought not to have addressed a letter to the Collector as she became *functus officio* upon passing the order dated 14.02.2018. He therefore claimed that exercise of *suo motu* revisionary power was itself *malafide* on the given facts. He asserted that if quasi-judicial authorities were allowed to change their stands and write letters in this manner, the hierarchy of remedies provided under the Act of 1971 would be rendered superfluous and there would be no sanctity attaching to any proceedings. It is on this basis that he challenged the letter dated 22.02.2018 addressed by the Tahsildar, Gandipet Mandal, to the District Collector.

I.A.No.1 of 2019 was filed in this writ petition by Omer Ali Khan, respondent 7 in W.P.No.6977 of 2018, seeking to be impleaded as respondent 4. No counter-affidavit was filed opposing this impleadment. Hence, I.A.No.1 of 2019 in W.P.No.28878 of 2018 is ordered. I.A.No.2 of 2019 was filed by Omer Ali Khan to vacate the interim order dated 22.10.2018. The averments in the counter- affidavit filed by Musku Ashok Kumar, his GPA, are on the same lines as the counter-affidavit in W.P.No.6977 of 2018. They therefore need no repetition.

WRIT PETITION No.40799 OF 2018 :

Kolluri Prem Raj filed this writ petition assailing the action of the Tahsildar, Gandipet Mandal, in not considering his representation dated 25.10.2018 seeking restoration of his name in the revenue records by implementing the order dated 14.02.2018. He sought a consequential

direction to the Tahsildar, Gandipet Mandal, to act upon his representation by implementing the order dated 14.02.2018.

By interim order dated 13.11.2018, the Court directed the Tahsildar to consider and dispose of the petitioner's representation dated 25.10.2018 in accordance with law. Pursuant to this interim order, the Tahsildar, Gandipet Mandal, Ranga Reddy District, issued Endorsement dated 20.11.2018, rejecting the representation dated 25.10.2018. The prayer in this writ petition has therefore worked itself out.

W R I T P E T I T I O N No.43394 OF 2018 :

Kolluri Prem Raj filed this writ petition assailing the Endorsement dated 20.11.2018 of the Tahsildar, Gandipet Mandal, Ranga Reddy District, rejecting his request under the representation dated 25.10.2018 to incorporate his name in the revenue records against the land admeasuring Acs.7.01 guntas in Sy.No.494/1 of Manchirevula Village at that stage, pursuant to the order dated 14.02.2018, as the Joint Collector, Ranga Reddy District, had taken up a *suo motu* revision in Case No.D1/831/2018 and had suspended the order dated 14.02.2018 and thereafter, the High Court had granted stay of all further proceedings in the *suo motu* revision, *vide* common interim order 22.10.2018 passed in W.P.Nos.6977 and 28878 of 2018.

By order dated 29.11.2018, while admitting the writ petition, an interim direction was granted as prayed for in I.A.No.1 of 2018 filed in this writ petition. The prayer of the petitioner in I.A.No.1 of 2018 was to direct the Tahsildar, Gandipet Mandal, to restore his name in the revenue records in respect of the land admeasuring Ac.7.01 gts. in Survey No.494/A of Manchirevula Village as adjudicated by the Tahsildar, Gandipet Mandal, and recorded as per the web list dated 14.02.2018, implementing the order in proceedings No.D/181/2017 dated 14.02.2018.

Aggrieved by the grant of this interim order, Miskin Ali Khan, s/o late Rahmat Ali, one of the assignees of the decree in O.S.No.154 of 1988 passed in favour of Haji Fakruddin and the brother of Omer Ali Khan, respondent 7 in W.P.No.6977 of 2018, sought leave and filed an appeal in W.A.No.1653 of 2018. The said appeal was ordered on 13.12.2018 by a Division Bench of the erstwhile High Court for the State of Telangana and the State of Andhra Pradesh. Perusal of the said order demonstrates that the Division Bench was of the opinion that as the interim direction had been granted without notice to or hearing affected parties and amounted to setting aside the order impugned in the writ petition, thereby directing the Tahsildar, Gandipet Mandal, Ranga Reddy District, to restore the entries in favour of Kolluri Prem Raj, such a course was impermissible. The interim order dated 29.11.2018 passed in I.A.No.1 of 2018 in W.P.No.43394 of 2018 was accordingly set aside and the said I.A. was directed to be relisted before the Court. The right of the appellant to seek impleadment in the writ petition was also preserved.

Thereafter, Miskin Ali Khan got himself impleaded in this writ petition as a party respondent. Similarly, Omer Ali Khan, his brother and respondent 7 in W.P.No.6977 of 2018, also got himself impleaded as a party respondent in this case.

In the affidavit filed in support of the implead petition, Miskin Ali Khan reiterated the version put forth by his brother, Omer Ali Khan, in the counter-affidavit filed in W.P.No.6977 of 2018. According to him, a mob of about 200 people came to the land on the intervening night of 19th and 20th February, 2018 and when he enquired as to the reason for interference by the said mob, he came to know about the passing of the order dated 14.02.2018 by the Tahsildar, Gandipet Mandal. He claimed that he approached the Tahsildar and asked her as to how she had

passed the said order without hearing him. The Tahsildar realized her mistake in passing the order dated 14.02.2018 and submitted a report to the Revenue Divisional Officer, Rajendranagar Division. Basing thereupon, the writ petitioner was issued a notice but the same was withdrawn subsequently. He further stated that letter dated 22.02.2018 was addressed by the Tahsildar, Gandipet Mandal, to the Collector, Ranga Reddy District, informing him of the irregularity that had crept into the passing of the order dated 14.02.2018 and requesting the Collector to take up a *suo motu* revision. He therefore justified the revisionary proceedings initiated by the Joint Collector, Ranga Reddy District, in Case No.D1/831/2018. He stated that while, on the one hand, the proceedings in the *suo motu* revision were stayed by the High Court, *vide* the common order dated 22.10.2018 passed in the interlocutory applications filed in W.P.Nos.6977 and 28878 of 2018, but on the other, Kolluri Prem Raj filed W.P.No.40799 of 2018 complaining that he had made a representation on 25.10.2018 for implementation of the Tahsildar's order dated 14.02.2018 and that no action was being taken thereon. Interim order dated 13.11.2018 was passed in the said writ petition directing the Tahsildar, Gandipet Mandal, to consider the representation. It is on this basis that the Tahsildar undertook the exercise and issued the Endorsement dated 20.11.2018 rejecting the representation dated 25.10.2018 made by Kolluri Prem Raj. He adverted to the merits of the matter and contended that the writ petition was liable to be dismissed on the ground of suppression of material facts and lack of *bonafides*. As one of the assignees of the decree passed in O.S.No.154 of 1988, he stated that he was a proper and necessary party to the writ petition and sought to be impleaded.

Similarly, Musku Ashok Kumar, the GPA of Omer Ali Khan, reiterated what had been stated in the counter-affidavit filed in

W.P.No.6977 of 2018. Be it noted that the brothers, Miskin Ali Khan and Omer Ali Khan, sail in the same boat as they both claim as assignees of the decree secured by Haji Fakruddin in O.S.No.154 of 1988.

Vacate stay petitions were filed by both Omer Ali Khan as well as Miskin Ali Khan in relation to the interim order dated 29.11.2018 passed in this writ petition but as Miskin Ali Khan independently sought leave and filed a writ appeal against the said order and succeeded in getting it set aside, the vacate stay petitions are rendered infructuous.

Kolluri Prem Raj contested the claims of Omer Ali Khan and Miskin Ali Khan. According to him, neither of them had locus or a semblance of right in relation to the subject land. He referred to the factual history in support of his claim through his grandfather and asserted that the decrees in O.S.No.154 of 1988 and O.S.No.506 of 1989 were void and not binding upon him. He sought to justify the Tahsildar's order dated 14.02.2018 and stated that as the *suo motu* revision initiated against the same had been stayed, there was no reason as to why the Tahsildar's order dated 14.02.2018 should not be given effect to. According to him, his name had already been shown in the revenue records, including the website, but on 12.11.2018, his name was deleted and the name of Hyder Ali Mirza was again shown. He contended that the Tahsildar could not have deleted his name at that stage without there being either an order from the Joint Collector or any other competent authority. He made a representation on 25.10.2018 seeking restoration of his name. He further stated that no land in Survey No.494/1 was acquired and that the entire extent of Ac.7.01 gts. in Survey No.494/1 of Manchirevula Village was in his possession. He also placed reliance on the proceedings dated 16.02.1995 of the Mandal Revenue Officer, Rajendranagar Mandal, rejecting the request of Haji Fakruddin for mutation on the strength of the unregistered

Agreement of Sale dated 05.04.1983 and declaring that the legal heirs of Kolluri Anjaiah had clear title in so far as the land admeasuring Ac.7.01 gts. in Survey No.494/1 of Manchirevula Village was concerned.

Omer Ali Khan filed a rejoinder through Musku Ashok Kumar, his GPA. Therein, he stated that the proceedings in File No.ROR/5119/89 had been created and brought into existence. He pointed out that Kolluri Prem Raj never relied upon the said proceedings till now. He pointed out that Kolluri Viswanadham, one of the sons of Kolluri Anjaiah, was also one of the agreement holders under the Agreement of Sale dated 25.12.1985 executed by the legal heirs of Hyder Ali Mirza, through K.C.K.Murahari, the GPA, in relation to the subject land and there was no explanation forthcoming for this discrepancy in terms of the claim put forth by Kolluri Prem Raj, under the unregistered sale deed executed by Hyder Ali Mirza in favour of his grandfather, Kolluri Anjaiah, in relation to the entire land, admeasuring Ac.76.07 gts. He again asserted that an extent of Ac.7.36 gts. in Survey Nos.478, 491, 492, 493 and 494 of Manchirevula Village was acquired for a junction of the Outer Ring Road. The proceedings dated 12.05.2006 of the Special Deputy Collector (L.A.), Unit-VI O.R.R., Hyderabad, were produced in proof of an extent of Ac.1.20 gts. in Survey No.494 of Manchirevula Village being acquired. In the said proceedings, the name of the pattadar is shown as Hyder Ali Mirza, while the names of the occupants, seven in number, include Omer Ali Khan, Miskin Ali Khan and five others, being the assignees of the decree in O.S.No.154 of 1988 secured by Haji Fakruddin.

An abundance of case law was pressed into service by the learned counsel appearing for the parties, but this Court does not propose to burden this judgment, long as it is already, with unrelated precedents. Therefore, only relevant judgments are referred to hereunder.

In K.VENKAT RAO V/ s. COLLECTOR, KURNOOL DI STRI CT¹, it was held that the Tahsildar would become *functus officio* after issuance of the pattadar pass book/title deed and therefore, the appellate authority could not call for a report from him as he was not expected to take a view different from the one he had already taken. It was further pointed out that the appellate authority had to apply his mind independently without calling for a report from the lower authority whose decision was the subject matter of the appeal before him. This judgment is pressed into service in support of the contention that the Tahsildar, Gandipet Mandal, having passed the order dated 14.02.2018, no longer had any right to interfere in the matter as she became *functus officio* and therefore, her letter dated 22.02.2018 requesting the District Collector, Ranga Reddy District, to initiate *suo motu* revisionary proceedings was unsustainable.

In THUMMALAPALLY BHAGYA LAXMI V/ s. JOINT COLLECTOR, RANGA REDDY DI STRI CT², it was observed that Section 8(2) of the Act of 1971 provides for an entry in the record of rights being amended in accordance with the declaration by the competent civil Court and as the enquiry under the Act of 1971 is summary in nature, the decision of the recording authority under Section 5-A of the Act of 1971 is required to be confined to the limited extent of regularizing the transaction which is otherwise not in conformity with the requirements of the Stamp Act/Registration Act, etc. If, in respect of the same property, the parties have approached the civil Court and the said Court decided their rights, the revenue authorities are bound by the judgment and decree of the civil Court in exercise of their jurisdiction under the Act of 1971, in the light of Section 8(2) thereof.

¹ 2014 (1) ALD 748

² 2014 (4) ALD 289

In *K.PRATAP REDDY V/s. JOINT COLLECTOR, RANGA REDDY DISTRICT*³, it was observed that the Act of 1971 enjoys a unique status as compared to other revenue laws inasmuch as it attaches certain presumptions in respect of title to the revenue records maintained thereunder. Section 6 thereof provides that every entry in the record of rights shall be presumed to be true while Section 6-A(5) thereof lays down that the title deed issued under Section 6-A(1) shall be the title deed in respect of an owner/pattadar and would have the same evidentiary value with regard to title for the purpose of creation of an equitable mortgage under the provisions of the Transfer of Property Act, 1882, as a document registered in accordance with the provisions of the Registration Act, 1908, has under the law. It was further observed that the revenue authorities were not substitutes for the Courts of competent civil jurisdiction and it would be open to the party concerned to invoke such jurisdiction so as to bar the summary enquiry by revenue authorities into issues of title. It was pointed out that in such summary enquiry, the revenue authorities would not be capable of deciding complicated questions of title and the scope and circumstances of such enquiry into issues of title was circumscribed by Section 5 of the Act of 1971 read with Rule 9 of the Rules of 1989. It was held that in the course of such enquiry, it would not be open to the revenue authorities to set aside transactions or adjudicate complicated questions falling outside the scope of Rule 9 of the Rules of 1989.

In *CHINNAM PANDURANGAM V/s. MANDAL REVENUE OFFICER, SERILINGAMPALLY MANDAL, RANGA REDDY DISTRICT*⁴, a Full Bench of the Andhra Pradesh High Court held that if an application is made for amendment of the existing entries in the record

³ 2009 (2) ALD 212

⁴ 2007 (6) ALD 348 (FB)

of rights, the person whose name already exists in such record is entitled to contest the proposed amendment and he can do so only if a notice regarding such amendment is given to him. It was further held that an order passed against a person whose name already exists in the record of rights without giving him notice of the proposed amendment and without giving him an effective opportunity of hearing is liable to be declared a nullity on the ground of violation of the rule of *audi alteram partem*.

In KOLA SATYA RAO V/ s. JOINT COLLECTOR, VIZIANAGARAM DISTRICT⁵, it was observed that in a given case, if the revisional authority is satisfied that it was not feasible or practicable for the aggrieved party to file an appeal or that the subordinate authority had passed an order, which was *ex facie* contrary to the procedure prescribed under the Act of 1971 or in violation of the principles of natural justice, it can exercise its revisional jurisdiction to step in and correct such procedural illegality or impropriety. It was pointed out that such power was consecrated in the revisional authority, as is clearly evident from the language of Section 9, which not only confers *suo motu* revisional power on the authority, but also empowers the authority to entertain an application from the aggrieved party and to call for and examine the record of any of his subordinate authorities and modify, annul or reverse or remit for reconsideration any order passed by any of those authorities. The learned Judge further held that Section 9 does not impose any pre-condition that the revisional authority should not exercise his powers until the aggrieved party exhausts its appellate remedy.

The original record pertaining to these cases was placed before this Court by the learned Assistant Government Pleader for Revenue. The typed 'Mee Seva copy' of the proceedings dated 15.03.1962 of the

⁵ 2010 (3) ALT 281

Tahsildar, Taluq West, Hyderabad District, in File No.A3/3692/62 is available therein. Perusal thereof reflects that the Tahsildar, Taluq West, cited the report of the Revenue Inspector dated 30.11.1961 and the Judgment dated 09.01.1959 of the Nazim Atiyat in Case No.187/57 and after conducting a detailed enquiry and upon reading of the statement of Hyder Ali Mirza, the Tahsildar accorded sanction for mutation in respect of the land admeasuring Ac.76.07 gts. in Survey Nos.477 to 480, 483 to 494 and 497 situated at Manchirevula Village in favour of Kolluri Anjaiah and accorded mutation in his favour. A photocopy of the proceedings dated 15.03.1962 in File No.A3/3692/62 is also available in the record. A photocopy of the proceedings dated 10.12.1991 of the Recording Authority, Record of Rights, Rajendranagar Mandal, in Telugu is also available. The handwritten signed copy and the typed copy of the order dated 16.02.1995 of the Mandal Revenue Officer, Rajendranagar, in proceedings No.ROR/5119/89 is also available in the record.

Perusal of the unregistered sale deed dated 10.10.1955, filed in some of these writ petitions, demonstrates that it was executed on two individual stamp papers, of the value of Rs.4/- and Re.1/- respectively, by Hyder Ali Mirza, wherein he stated that owing to the prolonged service of their faithful employee and kauldar, Kolluri Anjaiah, he sold the agricultural lands admeasuring Ac.76.07 guntas in Survey Nos.489, 488, 478, 479, 490, 494, 492, 493, 494, 480, 487, 497, 477 and 480 of Manchirevula Village, Taluq West, Hyderabad District, to him for the total sale consideration of Rs.20,000/-, which was received in annual installments of Rs.4,000/- each from 1951, and having received the entire amount, Hyder Ali Mirza stated that he had delivered possession of the said lands to the vendee and in future, neither he nor his heirs would

have any right or claim therein. There is however no indication in the sale deed that the lands sold were the subject of an Atiyat grant.

Perusal of Judgment No.187/1951 dated 19.01.1959 of the Nazim Atiyat demonstrates that Kolluri Anjaiah submitted a suit in relation to the land sold to him under the unregistered Sale Deed dated 10.10.1955 and sought transfer (mutation) thereof and having made an enquiry, in which Hyder Ali Mirza admitted the sale of the lands and certified that physical possession was with Kolluri Anjaiah who was doing cultivation thereon, the Nazim Atiyat ordered the District Collector to transfer/mutate the lands in favour of Kolluri Anjaiah and also directed that his name should be mutated in the records of the concerned Government department.

The proceedings dated 23.02.1961 of the Tahsildar, West Taluq, Hyderabad District, addressed to the Collector, Hyderabad District, reflects that Kolluri Anjaiah filed the Sale Deed dated 10.10.1955 and the judgment of the Nazim Atiyat, seeking transfer of the subject lands in his name. The Revenue Inspector was stated to have inspected the site and submitted his report to the effect that Hyder Ali Mirza was the pattadar of the land and the same was in the possession and cultivation of Kolluri Anjaiah. He accordingly submitted this information to the office of the Collector for doing the needful. In response, the Collector, Hyderabad District, addressed letter dated 15.06.1961 to the Tahsildar, Taluq West, Hyderabad District, requesting him to look into the matter and implement the name of Kolluri Anjaiah in the revenue records and patta pass books. Hyder Ali Mirza addressed letter dated 06.07.1961 to the Tahsildar, Taluq West, Hyderabad District, wherein he admitted that he had sold the agricultural land to his eldest employee and lease holder, Kolluri Anjaiah, as he was cultivating the said lands since the last 30 years and in view of the services rendered by him, and delivered possession to him. He

requested the Tahsildar to do the needful for the purpose of transfer of the said lands in the name of the purchaser as per the documents available in his records.

By proceedings dated 15.03.1962, the Tahsildar, Taluq West, Hyderabad District, accorded sanction for mutation in respect of the lands in Survey Nos.477 to 480, 483 to 494 and 497, being an extent of Ac.76.07 guntas, at Manchirevula Village in favour of Kolluri Anjaiah. Thereby, he accorded mutation in favour of Kolluri Anjaiah.

Perusal of the proceedings dated 10.12.1991 of the Mandal Revenue Inspector, Manchirevula Village-cum-Recording Authority, in ROR No.4848/Manchirevula/1990, demonstrates that the legal heirs of late Kolluri Anjaiah submitted their claim to the Mandal Revenue Officer, Hyderabad District, setting out the earlier history in relation to their predecessor-in-title and the partition effected amongst them on 09.02.1974, and taking note of their individual landholdings as per the said partition, he referred to the fact that some of the lands claimed had been allotted in the names of others and ordered mutation in relation to the claims of 8 of the legal heirs over a total extent of Ac.59.25 guntas and sanctioned issuance of pattadar pass books under the Act of 1971.

Perusal of the proceedings No.ROR/5119/89 dated 16.02.1995 of the Mandal Revenue Officer, Rajendranagar, demonstrates that Haji Fakruddin had filed a ROR claim petition on 30.09.1989 for validation of the unregistered Agreement of Sale dated 05.04.1983 in respect of agricultural land admeasuring Ac.7.01 gts. in Survey No.494 of Manchirevula Village. He also filed a copy of the specific performance decree dated 10.11.1989 in O.S.No.154 of 1988 on the file of the learned Principal Subordinate Judge, Ranga Reddy District. However, Srinivas Reddy, one of the eleven purchasers under the Agreement of Sale dated

25.12.1985, filed an objection petition stating that he had a claim in relation to Ac.22.00 gts. in Survey Nos.493, 494/1, 494/2, 494/3 and 497 of Manchirevula Village under the said agreement of sale executed by K.C.K.Murahari, the GPA of the legal heirs of Hyder Ali Mirza, and that a suit for specific performance in O.S.No.506 of 1989 was pending before the learned Principal Subordinate Judge, Ranga Reddy District, in relation thereto. He therefore sought rejection of the request of Haji Fakruddin in respect of the land admeasuring Ac.7.01 gts. in Survey No.494 of Manchirevula Village. The legal heirs of late Hyder Ali Mirza also filed an objection petition alleging that Haji Fakruddin had forged the signature of Hyder Ali Mirza and created the agreement of sale. Kolluri Danaiah, s/o Kolluri Anjaiah, and others also filed an objection petition along with supporting documents. Reference was made to the earlier proceedings dated 26.10.1991 of the Mandal Revenue Officer rejecting the claim of validation submitted by Srinivas Reddy and others in relation to the extent of Ac.22.00 gts. under Section 5-A of the Act of 1971. This order was stated to have been passed in File No.ROR/5953/89. The erstwhile Mandal Revenue Officer was stated to have issued an order on 10.11.1991 in File No.ROR/5118/89 validating the claim of Jahangir over an extent of Ac.6.34 gts. in Survey No.493 of Manchirevula Village. The Mandal Revenue Officer ultimately held that his predecessor, without verifying the old records, had issued proceedings in favour of Jahangir over an extent of Ac.6.34 gts. in Survey No.493 of Manchirevula Village, basing on the agreement of sale allegedly executed by Hyder Ali Mirza in favour of the said Jahangir on 19.01.1976, (which was incidentally disbelieved by the competent civil Court), where as Hyder Ali Mirza had already alienated his entire land in Manchirevula Village way back in 1955 and mutation proceedings were issued in favour of Kolluri Anjaiah in the year 1962. He

further noted that the recording authority observed this error and advised the legal heirs of Kolluri Anjaiah, *vide* his order dated 10.12.1991 in File No.ROR/4848/1990, to approach the appellate authority to get the order dated 19.10.1991 in File No.ROR/5118/89 set aside. The Mandal Revenue Officer further opined that as Hyder Ali Mirza and his legal heirs had no right or title after 1955, no vendee or decree-holder would have valid title. The claim/objection petition of Srinivas Reddy and others in relation to Ac.22.00 gts. in Survey Nos.493, 494/1, 494/2, 494/3 and 497 of Manchirevula Village, based on the Agreement of Sale dated 25.12.1985 and pendency of the specific performance suit in O.S.No.506 of 1989, was accordingly rejected. Similarly, the objection petition/claim of the legal heirs of Hyder Ali Mirza was also found to be baseless as Hyder Ali Mirza had already sold the land admeasuring Ac.76.07 gts. in favour of Kolluri Anjaiah as long back as in the year 1955. Similarly, the claim of Haji Fakruddin, the claimant in File No.ROR/5119/89, was held to be untenable and his Agreement of Sale dated 05.04.1983 and the specific performance decree dated 10.11.1989 in O.S.No.154 of 1988 were held to be not acceptable, as Kolluri Anjaiah had already purchased the land in the year 1955 and mutation proceedings were also issued in his favour in 1962 followed by the later proceedings dated 10.12.1991, which had not been challenged and had attained finality. The Mandal Revenue Officer therefore declared that the legal heirs of Kolluri Anjaiah had clear title based on the Nazim Atiyat's Judgment dated 05.01.1959 in Case No.187/59, the Tahsildar's proceedings dated 15.03.1962 in File No.A3/3692/1962 etc. He accordingly advised Haji Fakruddin, Srinivas Reddy and others and the legal heirs of late Hyder Ali Mirza to challenge the mutation proceedings dated 15.03.1962 before an appropriate forum

as he has no jurisdiction to set aside the same or the subsequent proceedings dated 10.12.1991.

In relation to the above order dated 16.02.1995 in proceedings No.ROR/5119/89, it is pointed out by the assignees claiming under Haji Fakruddin that Kolluri Danaiah was not allotted any land in Survey No.494 of Manchirevula Village and therefore, he would not have submitted an objection in relation to the land in this survey number before the Mandal Revenue Officer when Haji Fakruddin sought validation of his unregistered agreement of sale. It is pointed out that Hyder Ali Mirza was alive till 1990 and if the document of 1962 is believable, there is no reason why it was not acted upon or not challenged by one or the other party. As regards the acquisition of land in Survey Nos.493 and 494 of Manchirevula Village, it is pointed out that the members of the family of late Kolluri Anjaiah were not parties thereto and never raised any claim at any point of time as they were not even aware of the same. It is also pointed out that they never even filed any declarations, be it under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, but Hyder Ali Mirza did so. It is further pointed out that Hyder Ali Mirza continued to deal with the property till his death in the year 1990, which completely negated the so-called sale made by him under the unregistered sale deed of 1955.

Perusal of the proceedings No.E/2655/1998 dated 14.03.1999 of the Mandal Revenue Officer, Rajendranagar Mandal, Ranga Reddy District, demonstrates that Srinivas Reddy submitted an application on 13.08.1998 basing on the decree dated 19.12.1996 in O.S.No.506 of 1989 filed by himself and 10 others before the learned Principal Subordinate Judge, Ranga Reddy District, in relation to the lands admeasuring Ac.22.00 gts. in Survey Nos.493, 494/1, 494/2, 494/3 and 497 of Manchirevula Village, based on the Agreement of Sale dated 25.12.1985 executed by Mirza

Humayun Fur and 6 others, the legal representatives of late Hyder Ali Mirza, through their GPA, K.C.K.Murahari. Kolluri Danaiah, s/o Kolluri Anjaiah, filed an objection petition stating that his father had purchased the entire extent of Ac.76.07 gts. in various survey numbers of Manchirevula Village belonging to late Hyder Ali Mirza. He also set out the details of the mutation proceedings dated 15.03.1962 in File No.A3/3692/1962 in favour of Kolluri Anjaiah and the succession proceedings dated 10.12.1991 in File No.ROR/4848/Manchirevula/1990, after partition was effected amongst the family members before the death of Kolluri Anjaiah. He also pointed out that the Mandal Revenue Officer had already rejected the claims of Srinivas Reddy, Haji Fakruddin and the legal representatives of Hyder Ali Mirza in his order dated 16.02.1995 in File No.ROR/5119/89, holding that Hyder Ali Mirza lost his title over the total extent of Ac.76.07 gts. in Survey Nos.477 to 483, 483 to 494 and 497 of Manchirevula Village way back on 10.10.1955 and therefore, as Hyder Ali Mirza and his legal heirs had no valid title, they could not execute any documents. The order portion of these proceedings records that the Mandal Revenue Officer verified the File bearing No.A3/3692/62, Faisal Patti for the year 1961-62, File No.ROR/4848/Manchirevula/1990 and the orders passed in File No.ROR/5119/89 dated 16.02.1995 and observed that it was evident that Hyder Ali Mirza had lost his title on 10.10.1955 and the ROR was implemented in favour of Kolluri Anjaiah on 15.03.1962, *vide* File No.A3/3692/1962. He further observed that pattadar pass books and title deeds were also issued as per the order dated 10.12.1991 in File No.ROR/4848/Manchirevula/1990 to the legal heirs of late Kolluri Anjaiah. He then stated that as Hyder Ali Mirza and his legal heirs, the defendants in the decree dated 19.12.1996 in O.S.No.506 of 1989, had no valid title, they could not transfer any title to the decree

holder. He pointed out that the legal heirs of Kolluri Anjaiah were not defendants in this suit and it was well settled that a vendor cannot pass on to a vendee a better title than what he has. He opined that this aspect may have weighed with his predecessor when he rejected the claims of Srinivas Reddy, Haji Fakruddin and the legal heirs of Hyder Ali Mirza, *vide* his order dated 16.02.1995 in File No.ROR/5119/89. The claimants were directed to challenge the proceedings dated 15.03.1962 in File No.A3/3692/62 before the appropriate forum for redressal of their claim.

Be it noted that a copy of this order was furnished by the revenue authorities under the Right to Information Act, 2005. The Public Information Officer/Naib Tahsildar, Rajendranagar Mandal, Ranga Reddy District, addressed Memo dated 22.10.2018 to Kolluri Srikanth, one of the successors of Kolluri Anjaiah, acknowledging that in response to his application dated 06.10.2018, he was furnishing copies of the Files bearing Nos.ROR/5953/1989 and ROR/5119/1989. The Officer further informed Kolluri Srikanth that the File bearing No.ROR/5118/1989 was not traceable in his office and therefore it could not be issued.

ANALYSIS:

The pleadings in the aforestated cases and the revenue proceedings referred to *supra* demonstrate that there are various sets of people independently claiming title and rights over lands situated in different survey numbers of Manchirevula Village and all of them ultimately trace their separate claims of title to the original owner, late Hyder Ali Mirza. On the one hand, the members of the family of Kolluri Anjaiah claim through an unregistered sale deed of 1955 executed by Hyder Ali Mirza himself while the assignees of the decree secured by Haji Fakruddin in O.S.No.154 of 1988 also lay foundation for their claims through the unregistered agreement of sale of 1983 said to have been

executed by Hyder Ali Mirza himself. That apart, the legal heirs of late Hyder Ali Mirza themselves claim rights independently and their vendees, A.Madan Mohan and K.Sai Neeraj Kumar, also claim title separately under registered sale deeds executed by Nade Ali Mirza, one of the legal heirs of and the GPA of the other legal heirs of Hyder Ali Mirza.

Coming to individual rival claims and firstly, the claim of the Kolluri family, the basis thereof is the unregistered sale deed of 1955 executed in favour of Kolluri Anjaiah by Hyder Ali Mirza. This document was admittedly not subjected to regularization under Section 5-A of the Act of 1971. Further, the validity of the order dated 19.01.1959 of the Nazim Atiyat has to be examined as the scope of enquiry by the Nazim Atiyat had to be as per the Hyderabad Atiyat Inquiries Act, 1952, but there is no evidence of any circumstances warranting exercise of jurisdiction by the Nazim Atiyat, in terms of the land sold being the subject of an Atiyat grant. Significantly, though much reliance was placed upon the revenue authorities' proceedings of 1962 and 1991, there is no explanation as to why mutation was not carried out fully in the revenue records. There is no justification forthcoming from the Kolluri family as to why they never asserted any ownership or possessory rights, in terms of filing declarations under the relevant ceiling laws or staking a claim in relation to the compensation payable for the compulsory acquisition of part of the land covered by the unregistered Sale Deed dated 10.10.1955. It is an admitted fact that the name of Hyder Ali Mirza is still being shown as the pattadar of the subject lands. No steps seem to have been taken in right earnest by any member of the Kolluri family to secure proper mutation in the revenue records. To complicate matters further, there is no explanation as to why Kolluri Viswanadham, one of the sons of Kolluri Anjaiah, joined as an intending

purchaser under the Agreement of Sale dated 25.12.1985, if his father had already purchased the entire land from Hyder Ali Mirza in 1955.

Haji Fakruddin and his agreement holders/assignees, viz., Omer Ali Khan, Miskin Ali Khan and five others, also claim directly under Hyder Ali Mirza. It is their case that Agreement of Sale dated 05.04.1983, pertaining to the land admeasuring Ac.7.01 gts. in Survey No.494/1 of Manchirevula Village, was executed by Hyder Ali Mirza himself in favour of Haji Fakruddin, who sought specific performance thereof in O.S.No.154 of 1988 filed against the legal heirs of late Hyder Ali Mirza, as he died in the interregnum. The suit was conditionally decreed on 10.11.1989 and the said decree was assigned by Haji Fakruddin to Omer Ali Khan, Miskin Ali Khan and five others under Deed of Assignment dated 09.09.1992.

Perusal of the judgment dated 10.11.1989 passed by the learned Principal Subordinate Judge, Ranga Reddy District at Saroornagar, in O.S.No.154 of 1988 reflects that the said suit was decreed conditionally against the defendants with a direction that the defendants should make necessary application to the authorities under the Urban Land (Ceiling and Regulation) Act, 1976, within one month and thereafter, upon receipt of permission, they should execute the registered sale deed in favour of the plaintiff after receiving the balance sale consideration from him. If they failed to execute the sale deed even after obtaining permission, the Court propose to execute the deed in favour of the plaintiff and in case they failed to apply for permission, the Court proposed to apply for it. However, if permission was denied by the authorities, the plaintiff was held entitled to damages. However, no evidence is placed before this Court as to the steps taken pursuant to this decree, if any, and as to what happened in terms of the directions contained therein.

While so, O.S.No.84 of 1998 on the file of the learned I Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar, was filed by the eleven purchasers under the Agreement of Sale dated 25.12.1985 executed by K.C.K.Murahari, the GPA of the legal heirs of Hyder Ali Mirza, seeking a declaration that the judgment and decree dated 10.11.1989 passed in O.S.No.154 of 1988 on the file of the learned Principal Subordinate Judge, Ranga Reddy District, was void. The defendants in the suit were the legal heirs of late Hyder Ali Mirza, the legal heirs of Haji Fakruddin, and his seven assignees. A perpetual injunction was also sought by them to restrain defendants 13 to 23 therein, the legal heirs of late Haji Fakruddin and the seven assignees of the decree, from interfering with their possession over the suit schedule property. This suit was dismissed by judgment dated 22.04.2002.

A.S.No.1200 of 2002, arising out of the aforestated judgment and decree in O.S.84 of 1998, is still pending consideration before this Court. Kolluri Prem Raj filed a petition therein in April, 2018, seeking to be impleaded in the appeal as he independently claimed rights over the suit land through his grandfather, Kolluri Anjaiah. This fact is relied upon by Omer Ali Khan to demonstrate the lack of *bonafides* on the part of Kolluri Prem Raj in not impleading him as a party to his writ petition despite being aware of his claim, inasmuch as he was the 35th respondent in A.S.No.1200 of 2002, being one of the assignees of Haji Fakruddin, the decree-holder in O.S.No.154 of 1988.

The Act of 1971 came into effect on 15.08.1978 and was enforced in four phases from 1978 onwards. This enactment does not empower revenue authorities to undertake resolution of such multifarious and complicated rival claims of title over agricultural land. No doubt, Section 4 of the Act of 1971 requires a person acquiring, by succession,

survivorship, inheritance, partition, Government patta, decree of a Court or otherwise, any right as owner, pattadar, etc., over a piece of agricultural land to intimate in writing his acquisition of such right to the Mandal Revenue Officer, who is then required to amend and update the record of rights. Section 5(1) of the Act of 1971 provides that upon receipt of intimation of the fact of acquisition of any right referred to in Section 4, the Mandal Revenue Officer should determine as to whether, and if so in what manner, the record of rights may be amended in consequence thereof and carry out such amendments as per his determination. Section 5(2) empowers the Mandal Revenue Officer to effect an amendment in the record of rights if he has reason to believe that any acquisition of a right of a description to which Section 4 applies has taken place even if no intimation has been given to him. Section 5(3) provides that the recording authority should, before carrying out any amendment in the record of rights, be it under Section 5(1) or Section 5(2), issue a notice in writing to all persons whose names are entered in the record of rights and who are interested in or affected by the amendment and to any other persons, whom he has reason to believe to be interested therein or affected thereby, to show cause as to why the amendment should not be carried out. The recording authority is also required to consider every objection made in that behalf and after making such enquiry as may be prescribed, pass an order in relation thereto as he deems fit. Section 5(4) requires every order passed under Section 5 to be communicated to the person concerned. Section 5(5) provides for an appeal against such an order before the Revenue Divisional Officer, or such authority as may be prescribed, within a time frame. Section 5(6) empowers the Mandal Revenue Officer to correct clerical errors, if any, in the pass books.

The erstwhile Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 (*for brevity*, 'the Rules of 1989'), were framed in exercise of power under Section 11(1) of the Act of 1971 and would have application in the State of Telangana presently. Rule 18 of the Rules of 1989 deals with maintenance of the record of rights, which would include correction of entries as well as incorporation of all mutations in the respective entries pursuant to the orders passed under Section 5 of the Act of 1971. Rule 19 provides for issuance of a notice in terms of Section 5(3) of the Act of 1971 in Form VIII and its publication. Rule 20(1) deals with the enquiry to be made in terms of Section 5(3) and provides that the Mandal Revenue Officer should take into account the representations or objections, written or oral, made by the persons to whom the notice has been given or by any other person interested. Rule 20(2) provides that in taking a decision on the intimation of acquisition of any right, the Mandal Revenue Officer should be guided by the principles/procedures laid down in Rule 9. Rule 9, in turn, deals with the enquiry to be made by the recording authority at the time of preparation of the record of rights and its updation. Rule 9(1)(a)(i) deals with orders passed by the recording authority in all cases requiring a change owing to the death of the registered holder, i.e., succession by heirship, if succession is not disputed, and states to the effect that the names of all the heirs entitled to shares in the property should be registered. Rule 9(1)(a)(ii) deals with cases involving sale, gift, etc., through registered documents, if there is no dispute. The parties involved in the transfer are to be connected by a complete chain of registered documents and unregistered documents are not to be taken into account in this enquiry to prove ownership or title. In the event the recording authority finds that the chain is not complete, he is not to make any transfer of registry and such cases should be referred

to the Mandal Revenue Officer for disposal. Rule 9(1)(a)(iii) deals with cases requiring splitting of joint pattas which do not involve any dispute. It also provides that in the event there is a dispute, the case should be referred to the Mandal Revenue Officer, after confirmation of the record of rights. Rule 9(1)(c)(i) states that all disputed cases of transfer of registry, splitting of joint pattas, registering names of tenants, mortgagees and occupants should be submitted by the recording authority after the confirmation of the records of rights to the Mandal Revenue Officer for disposal in due course. Rule 9(1)(c)(ii) provides that in respect of cases falling under Rule 9(1)(a)(i), the Mandal Revenue Officer should hold a summary enquiry as to who has the right to succeed to the property of the deceased registered holder according to the principles of the law of succession which govern the case. However, if a declaration is filed by any person objecting to the registry stating that he instituted a suit in a civil Court to establish his superior title and an authenticated copy of the plaint in the suit is produced, the Mandal Revenue Officer cannot register the name of the person claiming such registry. In the event a declaration is filed, the result of the suit should be awaited. Rule 9(1)(c)(iii) provides that in respect of cases falling under Section 9(1)(a)(ii), if the chain is not complete, the Mandal Revenue Officer can consider other evidence such as statements of respective ryots, kist receipts, etc., and take a decision. He is required to give a month's time to allow filing of objections and hold an enquiry. Thereupon, transfer of registry should be ordered by him, unless the objection is found to be valid. Rule 9(1)(c)(iv) deals with disputed cases involving joint pattas. The scope of enquiry by the Tahsildar, hitherto known as the Mandal Revenue Officer, in the context of the above statutory scheme is therefore limited.

The sequence of events in these cases, set out *supra*, demonstrates that each set of parties independently tried to gain an advantage by initiating proceedings before the revenue authorities against a limited number of people, though there were multiple sets of claimants asserting rights over the same lands. However, as already pointed out *supra*, the scope of enquiry by the revenue authorities under the Act of 1971, being a summary one, is limited and complicated disputes relating to rival title claims cannot be resolved by the revenue authorities in such summary proceedings. It was not open to the revenue authorities to set at naught either registered transactions or judgments and decrees passed by competent civil Courts during the course of such summary enquiries, but the proceedings of the revenue authorities, set out *supra*, indicate that they did just that! They therefore acted flagrantly in excess of their power and jurisdiction in rendering such findings.

On the one hand, the legal heirs of Kolluri Anjaiah assert rights over the entire extent of Ac.76.07 gts. that belonged to late Hyder Ali Mirza in various survey numbers of Manchirevula Village under the unregistered sale deed of 1955 supported by the judgment of the Nazim Atiyat and the mutation proceedings of 1962 and 1991. However, the fact also remains that this sale deed was unregistered and was not validated under the provisions of Section 5-A of the Act of 1971. The question would therefore arise as to whether the said sale deed conferred lawful title and if not, whether the subsequent Nazim Atiyat order and the mutation proceedings would suffice to validate the transaction thereunder so as to vest the legal heirs of Kolluri Anjaiah with ownership and title over the land in question, whereby Kolluri Mallesh @ Dasharath and Kolluri Prem Raj can assert ownership rights over the individual extents that allegedly fell to their share in the family partition in 1974. On the

other hand, K.C.K.Murahari, the GPA of the legal heirs of late Hyder Ali Mirza, executed an agreement of sale in favour of eleven persons, who filed a specific performance suit in O.S.No.506 of 1989 which was decreed and resulted in the execution and registration of the sale deed through Court, bearing Document No.3754 of 2014. That apart, A.Madan Mohan and K.Sai Neeraj Kumar claim rights over extents of Ac.3.00 gts. each in Survey No.493 of Manchirevula Village through registered sale deeds executed in their favour by Nade Ali Mirza, another GPA of the legal heirs.

However, no properly constituted proceedings were ever instituted by any of these parties before the competent civil Court in relation to these rival claims, so that adjudication could have been undertaken by such Court as to the present title and ownership over these lands of late Hyder Ali Mirza, upon a comparative and objective analysis of the competing rival claims.

Coming to the individual cases on hand, it may be noticed that W.P.Nos.3936, 3953, 4356 and 4359 of 2018 relate to the revisionary orders dated 04.01.2018 passed by the Joint Collector, Ranga Reddy District, in connection with the rival claims between respondents 5 to 8 therein, on the one hand, and respondent 9, on the other. Significantly, Kolluri Mallesh @ Dasharath, the petitioner in W.P.Nos.3936 and 3953 of 2018 had already filed revision petitions independently against the very same appellate orders which were the subject matter of the revisions disposed of by the Joint Collector, Ranga Reddy District, *vide* the orders dated 04.01.2018. The Joint Collector must therefore be presumed to have had knowledge of the fact that Kolluri Mallesh @ Dasharath was asserting rights in relation to the same lands and that he had not been given an opportunity of hearing during the proceedings, be it before the Tahsildar or the Revenue Divisional Officer concerned. As Kolluri Mallesh

@ Dasharath was a person interested in the lands involved in the cases before the revenue authorities and was never put on notice even after he took steps, the revisionary orders under challenge cannot stand, in terms of the law laid down by the Full Bench in CHINNAM PANDURANGAM⁴. In any event, as already pointed out *supra*, the nature of the rival claims that arise in the context of these cases is such that the revenue authorities cannot seek to resolve the same by way of a summary enquiry under the Act of 1971. The revisionary orders dated 04.01.2018, the appellate orders dated 29.09.2016 and the primary authority's orders dated 03.08.2010 are accordingly set aside.

As regards W.P.Nos.6977 of 2018 and 28878 of 2018, it may be noted that though the primary authority, viz., the Tahsildar, Gandipet Mandal, would ordinarily become *functus officio* upon passing the order dated 14.02.2018 and she could not have altered the said order, cancelled it or modified it in any manner, there is no legal bar to her recognizing, as an after-thought, that she had committed an irregularity in passing the said order and bringing the same to the notice of the higher authority for initiation of *suo motu* revisionary proceedings. Be it noted that Section 9 of the Act of 1971 authorizes such initiation of *suo motu* revisionary proceedings and such *suo motu* exercise of power can be prompted either by the aggrieved party itself or by any other person who deems it fit to inform the revisionary authority of the errors in the order of the subordinate authority.

It appears that the Joint Collector, Ranga Reddy District, immediately took up a *suo motu* revision in Case No.D1/831/2018 on 22.02.2018 and passed a suspension order. Perusal thereof reflects that the Joint Collector took note of the fact that some third parties had obtained Court decrees in O.S.No.506 of 1989 on the file of the learned

Principal Subordinate Judge, Ranga Reddy District, and O.S.No.84 of 1998 on the file of the learned I Additional District and Sessions Judge, Ranga Reddy District, and thereafter, sale deeds were executed on the strength of the said judgments. He further observed that the Tahsildar, Gandipet Mandal, had not accorded an opportunity to all the claimants before passing the order dated 14.02.2018 and therefore, the *suo motu* revision was taken up for a detailed enquiry after issuing notice to all concerned parties. In the meanwhile, the order dated 14.02.2018 of the Tahsildar was suspended and the matter was adjourned for further hearing.

In such circumstances, this Court finds no illegality attaching to the letter dated 22.02.2018 addressed by the Tahsildar, Gandipet Mandal, to the Collector, Ranga Reddy District, informing him of the irregularity committed by her in the passing of the order dated 14.02.2018 and requesting initiation of *suo motu* revisionary proceedings. Further, as pointed out in KOLA SATYA RAO⁵, exhaustion of the appellate remedy is not a condition precedent for exercise of revisionary power under Section 9 of the Act of 1971. The language of the provision itself militates against such an interpretation. However, that was the basis on which the common interim order dated 22.10.2018 was granted in W.P.Nos.6977 and 28878 of 2018. In effect, initiation of *suo motu* revisionary proceedings by the Joint Collector, Ranga Reddy District, did not suffer from any illegality or irregularity warranting interference. W.P.Nos.6977 and 28878 of 2018 are therefore bereft of merit. Further, as already pointed out, it is not within the ken of the revenue authorities to undertake resolution of the complicated disputed questions relating to title that would arise in these cases and therefore, even if the revisionary authority deems it appropriate to set aside the order dated 14.02.2018, it would not be a fit case for the

Joint Collector, Ranga Reddy District, to remand the matter to the Tahsildar, Gandipet Mandal, for hearing afresh.

As regards W.P.No.40799 of 2018, no further orders are required to be passed therein as the interim order granted in the said case practically had the effect of allowing the writ petition itself, inasmuch as the petitioner's representation dated 25.10.2018 was considered pursuant thereto and rejected under the Endorsement dated 20.11.2018. This writ petition is therefore infructuous.

Lastly, coming to W.P.No.43394 of 2018, this Court finds that the Endorsement dated 20.11.2018 of the Tahsildar, Gandipet Mandal, rejecting the representation dated 25.10.2018 of the petitioner therein was fully justified. Merely because a stay was granted in W.P.Nos.6977 and 28878 of 2018 in relation to the *suo motu* revisionary proceedings in Case No.D1/831/2018, it did not mean that the suspension of the Tahsildar's order dated 14.02.2018, ordered therein on 22.02.2018, ceased to operate. Once the said order dated 14.02.2018 stood suspended, the question of giving effect to it and entering the name of the petitioner in the revenue records, as sought by him under his representation dated 25.10.2018, did not arise. The Tahsildar therefore rightly rejected the said representation dated 25.10.2018. This writ petition is equally lacking in merit.

In the light of the aforestated scenario, it may be noted that though Hyder Ali Mirza died long ago, his name continues to remain in the pattadar column in the revenue records as against the lands in question. At this stage, it may also be noted that there is no clarity as to the actual date of death of Hyder Ali Mirza. Some say he died in 1983 while others claim that it was in 1990. Though the legal heirs of Kolluri Anjaiah claim that mutation proceedings were issued in the year 1962 itself and

thereafter in the year 1991, it is an admitted fact that the same were never fully acted upon. Though the later order of the Tahsildar, Rajendranagar Mandal, passed in the year 1995 seems to speak in favour of Kolluri family, as already stated *supra*, given the complicated questions that would arise in the light of the rival claims put forth by the parties, only a competent civil Court can undertake resolution of the same. The findings of the revenue authorities, be it in favour of one or the other party to these proceedings, cannot therefore be permitted to allow them to steal an advantage over the others. The revenue authorities seem to have been swayed in favour of one or the other parties at different points of time and no value can be attached to such orders in the context of testing the genuineness and validity of the rival title claims of the parties. All the more so, when the revenue authorities blatantly acted in excess of their powers in passing such orders and nullified registered transactions and Court decrees. Be it noted that as on date, A.S.No.20 of 2003, A.S.No.610 of 1997, C.M.A.Nos.366 and 365 of 2018 are pending on the file of this Court while O.S.No.891 of 2014 and 892 of 2014 are pending before the learned XIII Additional District Judge, Ranga Reddy District, and E.P.No.55 of 1998 arising out of the decree in O.S.No.154 of 1988 on the file of the learned Principal Subordinate Judge, Ranga Reddy District, is also pending. However, this pending litigation would not encompass and address all the issues and disputes that would arise in the context of the rival title claims of the parties to these writ petitions. It is therefore for the parties who are asserting such rival claims to approach the competent civil Court and seek redressal as to their claimed ownership rights, in terms of declaratory relief. In the meanwhile, the revenue authorities shall continue to maintain the name of Hyder Ali Mirza in the revenue records as against the subject lands but on the strength thereof, none of the parties to these

proceedings shall be at liberty to undertake registration of any documents. Any transgression in this regard would not entitle the executant or the beneficiary of such document to any relief or to any rights in equity.

In the result, W.P.Nos.3936, 3953, 4356 and 4359 of 2018 are allowed to the extent indicated *supra*. W.P.Nos.6977, 28878 and 43394 of 2018 are found to be devoid of merit and are accordingly dismissed. W.P.No.40799 of 2018 is dismissed as infructuous. I.A.No.3 of 2018 in W.P.No.3953 of 2018 and I.A.No.1 of 2019 in W.P.No.28878 of 2018 are ordered. Other pending miscellaneous petitions in all these cases shall stand dismissed. No order as to costs.



SANJAY KUMAR,J

4th JUNE, 2019

PGS/Svv