HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO. 22190 OF 2020

Between:

Sirasala Anjaiah, S/o Guravaiah, aged about 42 years, Occ: Agriculture, R/o Damarcharla Village, Damarcharla Mandal, Nalgonda District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Nalgonda, Nalgonda District,
3. The Revenue Divisional Officer, Miryalaguda, Nalgonda District.
4. The Tahsildar, Damarcharla Mandal, Nalgonda Dist.
5. Vempati Anjaneyulu @ Veeranjaneyulu, S/o Satyanarayana, aged about 65 years, Occ- Dealer, R/o Damarcharla Village, Damarcharla Mandal, Nalgonda District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the inaction of the respondent No.4 non-cancellation of illegal pattadar pass books of the 5th respondent without having possession and without following the provisions of ROR Act, pertaining to the land of the petitioners to an extent of 3-00 gts in Sy.No.88/A9 situated at Damarcharla Revenue Village Shivar, Damarcharla Mandal, Nalgonda District and is highly illegal, arbitrary, unconstitutional and violation of Principles of Natural Justice and also in violation of Articles 14, 19 and 21 and 300-A of constitution of India and consequently direct the respondent No.4 to cancel the illegal pattadar pass book of the 5th respondent without having any right or possession and without following the provisions of ROR Act, pertaining to the land of the petitioner to an extent of 3-00 gts in Sy.No.88/A9 situated at Damarcharla Revenue Village Shivar, Damarcharla Mandal, Nalgonda District.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the

respondent No.4 to cancel the illegal pattadar pass book of the 5th respondent without having any right or possession and without following the provisions of ROR Act, pertaining to the land of the petitioner to an extent of 3-00 gts in Sy.No.88/A9 situated at Damarcharla Revenue Village Shivar, Damarcharla Mandal, Nalgonda District pending disposal of the writ petition.

Counsel for the Petitioner: SRI RAPOLU BHASKAR

Counsel for the Respondent Nos. 1 to 4: AGP FOR REVENUE

Counsel for the Respondent No.5: --

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.22190 of 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein the following prayer is made:

> **"...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the inaction of the respondent No.4 non-cancellation of illegal pattedar pass books of the 5th respondent without having possession and without following the provisions of ROR act, pertaining to the land of the petitioner's to an extent of 3-00 gts in Sy.no.88/A9 situated at Damarcharla Revenue Village Shivar, Damarcharla Mandal, Nalgonda District and is highly illegal, arbitrary, unconstitutional and violation of Principles of natural justice and also in violation of Articles 14, 19 and 21 and 300-A of constitution of India and consequently direct the respondent No.4 to cancel the illegal pattedar pass book of the 5th respondent without having any right or possession and without following the provisions of ROR Act, pertaining to the land of the petitioner to an extent of 3-00 gts in Sy.No.88/A9 situated at Damarcharla Revenue Village Shivar, Damarcharla Mandal, Nalgonda District and pass such other order or orders..."**

2. Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 4 and perused the record.

3. The learned counsel for the petitioner would submit that the grandfather of the petitioner was the owner and possessor of Ac.5.18 guntas of land in Sy.No.88 of Damarcharla Village, Damarcharla Mandal, Nalgonda District. After his demise, his three sons inherited the said land and they sold an extent of Ac.3.00 guntas of land to the respondent No.5 herein for valuable sale consideration and the remaining Acs.2.18 guntas of land is retained by them. They applied for mutation of the said land in the revenue records and the same is pending for consideration. One Vempati Anjaneyulu @ Veeranjaneyulu (respondent No.5) hatched a plan to grab the land in Sy.No.88, created fabricated agreement and sale deed vide document No.1099/1985, dated 02.04.1985, by impersonation. He also

brought another fabricated sale deed into existence vide document No.2010/1997 by forging the signature of the father of the petitioner and illegally got his name mutated in the revenue records. The petitioner submitted a representation, dated 18.01.2019, to the 2nd respondent/District Collector, Nalgonda District, to delete the name of the illegal pattadar of the land in Sy.No.88 and to cancel the bogus sale deeds. The father of the petitioner also submitted an application, dated 12.11.2020, to the 4th respondent/Mandal Revenue Officer, Damarcharla, to take action against the unofficial respondent No.5 who created fabricated sale deed by forging his signature. Till date, no action has been taken by the respondent authorities on the said representations. The petitioner seeks a positive direction to the respondent No.4 to cancel the illegal pattedar pass book issued in favour of the 5th respondent.

4. There is a serious dispute with regard to the title of the land in question. Further, the petitioner is also challenging the mutation proceedings which are passed basing on the alleged forged and fabricated documents. This Court has no jurisdiction under Article 226 of the Constitution of India to examine the genuineness or otherwise of the sale deeds in question and to grant relief of cancellation of mutation proceedings passed in favour of the unofficial respondent No.5. The petitioner has to approach competent Civil Court seeking cancellation of sale deeds in question. It is apt to state that if, in a petition filed under Article 226 of the Constitution of India, complicated questions of fact which require a regular and full-fledged trial are involved, it is but prudent that the Court should refrain itself from entertaining such petition and relegate the party to the normal remedy to obtain redress in a suit. In the instant case,

complicated questions of title and lawful possession and entries in revenue records being made in respect of the subject land are involved. Under these circumstances, the petitioner is granted liberty to work out the remedies available to him under law before a competent Civil Court. There are no merits to grant the relief sought by the petitioner in this writ petition.

5. With the above observation, this writ petition is disposed of. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-M.RAMANA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Nalgonda, Nalgonda District,
3. The Revenue Divisional Officer, Miryalaguda, Nalgonda District.
4. The Tahsildar, Damarcharla Mandal, Nalgonda Dist.
5. One CC to Sri Rapolu Bhaskar, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies.

MP

HIGH COURT

DATED:11/12/2020



ORDER

WP.No.22190 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

9
23/12/2020.