

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION NO: 582 OF 2009

Between:

Kunuru Narsimha, S/o. Buchaiah, aged about 62 years, Occ: Agriculture R/o. Chityal Village, and Mandal, Nalgonda District.

...PETITIONER

AND

1. The Joint Collector, Nalgonda at, Nalgonda.
2. The Tahsildar (earlier Mandal Revenue Officer), Chityal Mandal, Nalgonda District.
3. Guntoju Rama Chary, S/o. Lingaiah, aged about 47 years, Occ: Business, R/o. Chityal Village and 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 an appropriate writ order or direction particularly one in the nature of Mandamus declaring the Order dt. 20-9-2008 in Revision Case No. F2/14966/2007 of the 1st respondent herein and also the Order No. A/696/06 dt. 18-8-2007 of the 2nd Respondent herein as illegal, arbitrary unreasonable violative of principles of natural justice and also violative of the provisions of A.P. Rights in Land and pattedar Pass Books Act 1971 and also violative of Articles 14, 21 and 300-A of the Constitution of India and issue a consequential direction to the respondents herein not to give effect to the same.

I.A. NO: 1 OF 2009(WPMP. NO: 702 OF 2009)

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 stay the operation of the Order No. A/696/06 dt. 18-8-2007 of the 2nd respondent herein which is confirmed by the Order dt. 20-9-2008 in Revision Case No. F2/14966/2007 of the 1st respondent herein pending disposal of the above writ petition.

Counsel for the Petitioner: SRI G.VENKATA NARAYANA

Counsel for the Respondent No.1 & 2: AGP FOR REVENUE

Counsel for the Respondent No.3: SRI A.RAVINDER REDDY, Sr. COUNSEL

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.582 of 2009

ORDER:

This Writ Petition is filed seeking following relief:

“...to issue an appropriate writ, order or direction particularly one in the nature of mandamus declaring the order dt.20.9.2008 in Revision Case No.F2/14966/2007 of the 1st respondent herein and also the Order No.A/696/06 dt.18.8.2007 of the 2nd respondent herein, as illegal, arbitrary, unreasonable, violative of principles of natural justice and also violative of the provisions of A.P. Rights in Land and Pattadar Pass Books Act 1971 and also violative of Articles 14, 21 and 300-1 Of the Constitution of India and issue a consequential direction to the respondents herein not to give effect to the same...”

2. Heard Sri G. Venkata Narayana, learned counsel for the petitioner, and Sri A.Ravinder Reddy, learned senior counsel appearing on behalf of respondent No.3 as well as learned Assistant Government Pleader for Revenue appearing on behalf of respondent Nos.1 and 2.

3. Learned counsel for the petitioner submits that the petitioner is the owner and possessor of agricultural land to an extent of Ac.4.00 gts. in Sy.No.530 of Chityal Village and Mandal, Nalgonda District, and he acquired the same by way of succession. He further submits that respondent No.3 filed application before respondent No.2 invoking the provision of Section 5-A of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (hereinafter called brevity, ‘the

Act) for seeking validation and regularization of the alleged agreement of sale dated 26.03.1996 on the ground that the petitioner sold the said property to him. He also submits that respondent No.2, without issuing any notice and opportunity to the petitioner, issued 13-B certificate in faovur of respondent No.3 on 18.08.2007 regularizing the said agreement of sale, though, respondent No.2 is not having any authority or jurisdiction to regularize the unregistered agreement of sale, especially the petitioner disputing the genuinity of the said document.

3.1. Questioning the said order, the petitioner filed revision before respondent No.1 under Section 9 of the Act and the revisional authority, without considering the grounds raised by the petitioner in the memorandum of revision petition, simply dismissed the revision, without giving any reasons and the same is contrary to law. He further contended that respondent No.1 and 2 ought to have direct the respondent No.3 to approach the competent civil Court for enforcement of the alleged agreement of sale.

3.2. In support of his contention, he relied upon the Division Bench judgment of this Court in **Konkana Ravinder Goud and others v. Bhavanarishi Co-operative House Building Society, Hyderabad and others**¹ contending that the agreement of sale cannot be considered as a transfer within the meaning of Section 5-A of the Act.

¹ 2003 (5) ALD 654 (DB)

He also relied upon the judgment of this Court in **V. Krishnaiah and others v. Joint Collector, Mahabubnagar and others**².

4. *Per contra*, learned senior counsel appearing on behalf of unofficial respondent contending that respondent No.3 had purchased the subject property from the petitioner through sada sale deed (simple sale deed) dated 26.03.1996 by paying valuable sale consideration. Respondent No.3 has made an application before respondent No.2 invoking the provision of Section 5-A of the Act, for seeking validation of the said sada sale deed. Respondent No.2, after following the due procedure as contemplated under the provisions of the Act as well as the Rules made thereunder, validated/regularized the sada sale deed and also issued 13-B certificate vide proceedings No.A/696/06 dated 18.08.2007 and respondent No.3 has paid an amount of Rs.9,120/- towards registration charges.

4.1 He further contended that Respondent No.2, after due verification of the records and after considering the recitals of the sada sale deed dated 26.03.1996, rightly validated the said document and issued 13-B certificate on 18.08.2007. Questioning the above said proceedings, the petitioner filed revision before respondent No.1 and the revisional authority after considering the contentions of respective parties and after due verification of the records, rightly dismissed the revision petition, by its order dated 20.09.2008, and

² 2007 (3) ALD 391

there is no illegality or irregularity in the impugned order passed by respondent No.1 confirming the order of respondent No.2 to invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

5. Learned Assistant Government Pleader contended that respondent No.2, having exercised the powers conferred under Section 5-A of the Act, validated the sada sale deed by collecting the stamp duty and registration charges and issued 13-B certificate. Respondent No.1 rightly confirmed the orders passed by respondent No.2 by its order dated 20.09.2008 and the petitioner is not entitled any relief, much less the relief sought in the writ petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that respondent No.3 is claiming the rights over the property basing upon the sada sale deed dated 26.03.1996 executed by the petitioner. From perusal of the said sada sale deed, it reveals that respondent No.3 had paid an amount of Rs.5,000/- on 26.03.1996 and subsequently remaining amount of Rs.65,000/- was paid on 20.04.1996. It further reveals from the record that respondent No.3 has made an application before respondent No.2 invoking the provisions of Section 5-A of the Act seeking regularization/validation of the said sada sale deed. Respondent No.2, after issuing notice to the respective parties and after

conducting enquiry, validated the sada sale deed and issued 13-B certificate under the Rules on 18.08.2007. Pursuant to the same, the name of respondent No.3 was mutated in the revenue records and pattadar pass book and title deed were also issued in his favour. Questioning the above said order, dated 18.08.2007, petitioner filed revision petition invoking the provision of Section 9 of the Act. The revisional authority, after considering the contentions of both parties and also after due verification of the records, dismissed the revision petition by giving cogent reasons holding that the nature of the document executed by the petitioner amounts to sada sale deed and it is not an agreement of sale.

7. It is very much relevant to mention that respondent No.2 issued notices to both the parties and petitioner had engaged counsel, but he has not filed any objections. Hence, the contention of learned counsel for the petitioner that respondent No.2 issued 13-B certificate behind back of the petitioner is not tenable under law. Respondent No.2 after following the due procedure as contemplated under the Act and Rules made thereunder validated the sada sale deed and issued 13-B certificate.

8. Insofar as the contention of the learned counsel for the petitioner that the document dated 26.03.1996 is a forged and fabricated one, neither respondent No.2 nor respondent No.1 is not having any right, authority or jurisdiction to decide the genuinity of

the said document under the provisions of the Act as well as the Rules made thereunder. It is very much relevant to mention here that respondent Nos.1 and 2 have not decided the title over the property nor genuinity of the document. Respondent No.1, while dismissing the revision petitioner specifically held that the parties have to agitate the rights before the competent civil Court to establish that the document dated 26.03.1996 is not genuine one. It is also relevant to place on record that the judgment relied upon by learned counsel in **V.Krishnaiah** and the Division Bench judgment of this Court in **Konkana Ravinder Goud** *supra* are not applicable to the facts and circumstances of the case, on the sole ground that the recitals of the document did not come within the ambit of agreement of sale and said document comes within the ambit of sada/simple sale deed. Respondent No.2 rightly validated the sada sale deed exercising the powers conferred under Section 5-A of the Act. This Court do not find any illegality or irregularity in the impugned order passed by respondent No.1 confirming the order of respondent No.2 by exercising the powers conferred under Article 226 of the Constitution of India.

9. Accordingly, the writ petition is dismissed. However, the petitioner is granted liberty to pursue his remedies under common law, if circumstances so warrant.

In view of dismissal of main writ petition, interlocutory applications pending, if any, in this writ petition shall stand closed.

SD/- K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI G.VENKATA NARAYANA, Advocate [OPUC]
2. One CC to SRI A.RAVINDER REDDY, Advocate [OPUC]
3. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

BSR

GJ

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HIGH COURT

DATED: 29/12/2023

ORDER

WP.No.582 of 2009



**DISMISSING THE WRIT PETITION,
WITHOUT COSTS**

7 Copies

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15/1/24*