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

THURSDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 44284 OF 2022

Between:

1. Bibi Bibi Khatoon, D/o. Late Himmath Ali Khan, aged about 50 years, Occ. Housewife, R/o. H. No. 16-4-365, Chanchalguda, Hyderabad.
2. Smt. Jeevan Khatoon, D/o. Late Himmath Ali Khan, aged about 45 years, Occ. Housewife, R/o. 11. No. 16-3-536, Chanchalguda, Hyderabad.
3. Shoukath Ali Khan, S/o. Late Himmath Ali Khan, aged about 40 years, Occ. Business, R/o. 11. No. 16-3-530, Chanchalguda, Hyderabad.
   Rep. by their GPA holder N.B. Ramaiah S/o. Late N. Jaganadham, aged about 55 years, Occ. Business, R/o. H. No. 10-4-38/A, Humayun Nagar, Masab Tank, Hyderabad.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Collector, Ranga Reddy District, Office Kongarkalan, R.R. Dist.
3. The Revenue Divisional Officer, East Division. R.R. District. at Hyderabad.
4. The Thasildar, Maheshwaram Mandal, Ranaa Reddy District.
5. Pasham Anjaneyulu, S/o. Not known, aged Major. Occ. Agriculture, R/o. H. No 2-61. Imamguda, Srinagar Village, Maheshwaram Mandal, R.R. District.
6. Manchala Venkat Ramaiah, S/o Hanumaiah, aged Major. Occ. Agriculture, R/o No. 7-22. Imamguda, Srinagar Village, Maheshwaram Mandal, R.R. District.
7. Vidya Swami Reddy, S/o. Sudarshan Reddy, aged Major. Occ. Agriculture, R/o. H. No. 4-10. Imamguda, Srinagar Village, Maheshwaram Mandal, R.R. District.
8. Jeethe Veera Reddy, S/o. G. Narsimha Reddy, aged Major. Occ. Agriculture, R/o H.No. 7-22. Imamguda, Srinagar Village, Maheshwaram Mandal, R.R. District.
9. K. Kishore Kumar, S/o. Chinna Devudu, aged Major. Occ. Business, R/o. Imamguda. Srinagar Village, Maheshwaram Nlandal, R.R. 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 order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the impugned

endorsement dated 10/03/2020 in file No. D1/390/2019 by refusing to pass the orders for implementation of the orders passed by the 3rd respondent in file No. A2/175/2009, dated 07/01/2012 in correcting the ROR entries of the land in Sy. No. 238, admeasuring Ac.15-00 situated at Srinagar village, Maheshwara Mandal, Ranga Reddy District though the orders passed by the 3rd respondent dated 07/01/2012 had become final and further though the existing ROR entries in the name of the unofficial respondents are illegal entries made by the authorities based upon no transfer of the title, as illegal, unlawful, contrary to law and consequently direct the respondents to correct the ROR entries of the above land in the names of the petitioners and issue Dharani passbooks in their names by duly implementing the orders passed by the 3rd respondent.

IA NO: 1 OF 2022

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 issue interim order directing the 4th respondent to carry out necessary amendments in the ROR entries of the land in Sy. No. 238, admeasuring Ac.15-00 situated at Srinagar village, Maheshwara Mandal, Ranga Reddy District in favour of the petitioners. by dull implementing the orders passed by the 3rd respondent in appeal No. A2/175/2009, dated 07/01/2012, pending disposal of main Writ Petition.

IA NO: 1 OF 2023

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 permit to cause notices to the unofficial respondents by way of substituted notices by giving paper publication in W.P. No. 44284/2022 as they have been avoiding to receive the notices.

Counsel for the Petitioners: SRI M.DAMODAR REDDY
Counsel for the Respondent Nos.1 TO 4: GP FOR REVENUE
Counsel for the Respondent Nos.5 TO 9: --

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION No.44284 of 2022

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

> *"...to issue an appropriate writ, order or direction more particularly one in the nature of 'Writ of Mandamus':*
>
> *i) Declaring the action of respondent No.2 in issuing the impugned endorsement dated 10.03.2020 in File No.D1/390/2019 by refusing to pass the orders for implementation of the orders passed by respondent No.3 in file No.A2/175/2009, dated 07.01.2012 in correcting the ROR entries of the land in Sy.No.238, admeasuring Ac.15.00 situated at Srinagar Village, Maheswaram Mandal, Rangareddy District though the orders passed by respondent No.3 dated 07.01.2012 had become final and further though the existing ROR entries in the name of the unofficial respondents as illegal, unlawful and contrary to law; and*
>
> *ii) Consequently, direct the respondents to correct the ROR entries of the subject property and issue Dharani passbooks in their names by duly implementing the orders passed by respondent No.3 or pass appropriate order..."*

2. The case of the petitioners is that they are the absolute owners and possessors of the agricultural land admeasuring Ac.15.00 guntas, each in Sy.Nos.236, 237 and 238 at Srinagar Village, Maheshwaram Mandal, Rangareddy District. The present Writ Petition is filed confining the relief to an extent of Ac.15.00 guntas in Sy.No.238. It is stated that questioning the entries made in the revenue records in the name of third

parties, the petitioners have filed an appeal under the provisions of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short "ROR Act, 1971") and the Rules made thereunder on the file of respondent No.3. It is their case that respondent No.3 allowed the said appeal to the extent of land forming part of Sy.No.238 to carry out necessary corrections and directed the respondent No.4 to carryout corrections, by setting aside the proceedings of respondent No.4 in File No.B/2733/2002, dated 08.01.2003. Even though the petitioners have approached respondent No.4 referring the order dated 07.01.2012 passed by the respondent No.3 for its implementation, respondent No.4 has not implemented the same. The grievance of the petitioners is that when they approached the respondent No.2 by way of representation seeking directions to respondent Nos.3 and 4 for implementation of order, dated 07.01.2012, the same was returned with an endorsement, dated 10.03.2020 refusing to pass the orders for implementation of order, dated 07.01.2012 in the revenue records in favour of the petitioners on the ground that the names of the unofficial respondents are being recorded in the revenue records in respect of the subject land since last 47 years.

3. The main contention of respondent No.7 is that aggrieved by the orders passed by the appellate authority i.e. Revenue Divisional Officer in proceedings No.A2/175/09 dated 07.01.2012, the respondents therein have filed a revision under Section 9 of ROR Act, 1971. After considering the material facts, the revisional authority has set aside the impugned order, dated 07.01.2012 in File No.A2/175/2009 by the appellate authority i.e., Revenue Division Officer, confirming the orders of the Tahsildhar, Maheshwaram, in file No.B/2733/2002, dated 08.01.2003. It was also observed therein that the aggrieved parties may seek remedy of their grievance before the competent civil Court by filing an appropriate suit.

4. Learned counsel for respondent No.7 would submit that aggrieved by the order, dated 22.11.2014 passed by the Joint Collector in case No.D5/1339/2012 the petitioners herein and others represented by Sri N.B.Ramulu has filed a writ petition vide W.P.No.4914 of 2015 before this Court and the said writ petition is pending for adjudication. It is further submitted that suppressing the fact of pendency of the writ petition wherein the order, dated 22.11.2014 passed by the Joint Collector was questioned, the present writ petition is filed seeking to implement the orders passed by the Revenue Divisional Officer.

5. A perusal of the record would reveal that, as contended by respondent No.7, the present writ petition is filed seeking to implement the order, dated 07.01.2012 passed by respondent No.3 vide File No.A2/175/2009. However, the said order, dated 07.01.2012 was challenged by the respondents therein before the revisional authority-Joint Collector and the Joint Collector vide order dated 22.11.2014 in Case No.D5/1339/2012 has set aside the order, dated 07.01.2012, confirming the order dated 08.01.2003 passed by respondent No.4 in file No.B/2733/2002. The petitioners herein filed W.P.No.4914 of 2015 challenging order, dated 22.11.2014 passed by the Joint Collector and the same is pending for adjudication. In the meanwhile, the petitioners preferred the present writ petition seeking direction to respondent Nos.3 and 4 to implement the order, dated 07.01.2012, which was set aside by the Joint Collector on 22.11.2014. The petitioners suppressing the material facts, which are having bearing on the decision to be taken in this present writ petition, have filed a writ petition seeking implementation of the orders. The Hon'ble Supreme Court in ***K.Jayaram and others vs. Bangalore Development Authority and others***[1], held that it is imperative that party

[1] (2022) 12 SCC 815

approaching the writ court must come with clean hands and put forward all facts before the Court without concealing or suppressing anything. It was further observed that a litigant is bound to state all facts which are relevant to litigation and if he withholds some vital or relevant material in order to gain advantage over other side then he would be guilty of playing fraud with Court as well as with opposite parties which cannot be countenanced. In the instant case, admittedly, the orders dated 07.01.2012 passed by the Revenue Divisional Officer, were set aside by the Joint Collector vide Proceedings No.D5/1339/2012 dated 22.11.2014 and without mentioning the said fact, the present writ petition is filed. The said action on the part of the petitioners amounts to sheer abuse of process of law and the present writ petition filed is misconceived and liable to be dismissed with costs on the ground of *Suppressio veri, suggestio falsi.*

6. Accordingly, this Writ Petition is dismissed with costs of Rs.10,000/- (Rupees ten thousand only) payable to the High Court Legal Services Committee, Telangana, Hyderabad, within a period of two (02) weeks from the date of receipt of copy of this order and a copy of the receipt for the said payment shall be filed in the Registry.

Pending miscellaneous applications, if any, shall stand closed. No order as to costs.

MEMORANDUM OF COSTS

	Rs.	Ps.
Costs Quantified by Hon'ble Court (That the Petitioner herein and Counsel for the petitioner are directed to pay costs of Rs.10,000/- (Rupees Ten Thousand Only) in favour of The High Court Legal Services Committe, Telangana, Hyderabad, High Court for the State of Telangana, High Court Buildings, Hyderabad within a period of Two (02).	10,000-00	
TOTAL	**10,000-00**	

SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The High Court Legal Services Committee, Telangana, Hyderabad, High Court for the State of Telangana, at Hyderabad.
2. One CC to SRI M.DAMODAR REDDY, Advocate [OPUC]
3. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
4. Two CD Copies

PSK.
GJP

HIGH COURT

DATED:21/11/2024

ORDER

WP.No.44284 of 2022



DISMISSING THE WRIT PETITION WITH COSTS

7 copies
by
20/2/25