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

MONDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

WRIT PETITION NO: 18116 OF 2021

Between:

Vujjini Vamshidhar, S/o. Rama Rao, Aged about 41 Years. Occ. Agriculture & Pvt. Employee, R/o. GadiyaGowraram Village, Chinthapally Mandal, Nalgonda District.

...PETITIONER

AND

1. State of Telangana., Rep., by its Principal Secretary, Department of Revenue, Secretariat Building. Hyderabad.
2. The Special Revenue Tribunal, Nalgonda District, Rep., by the District Collector.
3. The Revenue Divisional Officer, Devarkonda Revenue Division. Devarkonda, Nalgonda District
4. The Tahsildhar, Chinthapally Mandal, Nalgonda District.
5. Vujjini Bikshapathamma, W/o. V.SanjeevaRao, Aged about 60 Years, Occ. Housewife, R/o. Gadiya Gowraram Village, Chinthapally Mandal, Nalgonda District.
6. Smt.Vujjini Pulamma, W/o. Rama Rao. Aged about.72 Years. Occ. Housewife. R/o. Gadiya Gowraram Village, Chinthapally Mandal, Nalgonda District.
7. S.Saraswathi, W/o. S. VenkateshwarRao, Aged about 49 Years, Occ. Housewife, R/o. Gadiya Gowraram Village, Chinthapally 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 any appropriate writ, order or direction one more particularly one in the nature of Writ of Certiorari, by calling for the records of appeal on the file of Special Tribunal Nalgonda District bearing Old Case No. B/896/2017 (Old Revenue Court :- Revenue Divisional Officer, Devarkonda)/ New Case No. F2/Spl.Tribunal/0464/2021) and consequently set aside the order dated. 25/06/2021 by allowing the appeal in favour of the Petitioner herein as prayed for in the interest of justice.

IA NO: 1 OF 2021

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 suspend the dismissal order dated. 25-06-2021 passed by the Respondent No.2 in appeal bearing Old Case No. B/896/2017 (Old Revenue Court:- Revenue Divisional Officer, Devarkonda) / New Case No. F2/Spl.Tribuna1/0464/2021) by directing the Respondents No. 5 to 7 not to interfere with the peaceful possession of the Petitioner over the subject land situated in Sy.No. 257 situated at Gadia GowararmVillage, Chinthapalli Mandal, Nalgonda District.

Counsel for the Petitioner: **SRI NARESH REDDY CHINNOLLA**

Counsel for the Respondent No. 1 to 4: **RAKESH KUMAR, AGP FOR REVENUE**

Counsel for the Respondent No. 5 to 7: **SRI P. VENKATESHWER RAO**

The Court made the following: **ORDER**

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

WRIT PETITION No.18116 of 2021

ORDER:

This writ petition is filed seeking to issue any appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari, by calling for the records of appeal on the file of Special Tribunal, Nalgonda District bearing Old Case No.B/896/2017 (Old Revenue Court Revenue Divisional Officer, Devarkonda)/ New Case No. F2/Spl.Tribunal/0464/2021) and consequently set aside the order dated 25.06.2021 by allowing the appeal in favour of the Petitioner.

2. Learned counsel for the petitioner would submit that the petitioner is possessor and cultivating the land to an extent of Ac.07.00 guntas in Survey No.257 situated at Gadia Gowararm Village, Chinthapalli Mandal, Nalgonda District (subject land for brevity). He would further submit that the petitioner has inherited the property through succession and the land in question was allotted to the

petitioner's grandfather by name Mr. Vujjini Venkata Ramaiah and the said land has been allotted on the part of exchange by the then Nizam Government where the land pertaining to petitioner's grandfather to an extent of Ac.15.00 in the said village has been acquired and since then possession of the subject land has been granted in favour of the grandfather of the petitioner. According to revenue records, Ac.7.00 guntas has been allotted to the petitioner's grandfather and the revenue record would clearly demonstrate that the said land has been recorded as Mauza. Accordingly, the petitioner is in possession and cultivating the said property. Learned counsel for the petitioner would submit that the petitioner has made an application dated 04.05.2012 for rectification of entries from Lavoni Patta to Patta Land before respondent No.4. Respondent No.4 in turn addressed a letter dated 24.07.2012 to District Collector. In reply District Collector addressed a letter dated 05.10.2012, to respondent No.3 to enquire into the matter and to submit detailed report along with necessary records. Respondent No.3 addressed a letter dated 07.02.2014 to District Collector briefing the facts but till now no action was initiated. Respondent No.4 once again addressed a letter dated 20.10.2017 to respondent No.3 to look into the matter. Accordingly, respondent No.3 addressed a letter vide No.B/193/2014, dated 28.10.2017 to the District Collector, Nalgonda wherein it has been recorded that the land was given to the petitioner's ancestors on exchange basis and since then, it has been recorded as Government land and the pattadar is facing trouble in making transaction and hence, Tahsildar, Chintapally Mandal has forwarded letter No.B/1612/2017 to Revenue Divisional Officer, Devarkonda Division, wherein it is stated that Tahsildar has conducted field enquiry with Village Revenue Officer, Gadia Gowraram on 10.10.2017 and found that the petitioner is cultivating the Survey No.257 to an extent of Acs.7.00 guntas and so he is possession of the land.

3. The Government of Telangana State vide G.O.Ms.No.4 Revenue (Assignment – I) Department, Dated 12.01.2021

has constituted the Special Tribunal in every district consisting of District Collector and Additional Collector (Revenue) as members for disposal of all cases pending before Revenue authorities and the petitioner's case is transferred from respondent No.3 to the Special Tribunal, Nalgonda and the Special Tribunal vide new case No.F2/Spl.Tribunal/0464/2021, dismissed the case on 04.02.2021. The learned Tribunal while dismissing the said case has observed that "as verified from the records available in this file the assignees got their certificates in the year 2005, vide Certificate No.B/4880/2004 dated 29.09.2005 and B/4880/2004 dated 11.08.2005 and they have also been updated in the revenue records and have also been given new E-Pattadar Pass books. Since, the Division Bench of this Court in W.P(PIL).No20 of 2021 has passed orders with a direction to all Special Tribunals in the State to pass fresh orders after granting reasonable opportunity to the parties whenever a request for personal hearing is received from the parties, aggrieved by the order dated 04.02.2021, the petitioner has filed review petition and same was taken on file and was dismissed on 25.06.2021. Learned counsel for the petitioner would submit that the review petition was dismissed without serving any notice upon the petitioner and without giving opportunity of hearing. The Tribunal relied upon the judgments of Division Bench of this Court in M.B.Ratnam Vs. RDO reported in 2003 (1) ALD 826 and 2003 (1) ALT 688 stating that settled rights cannot be unsettled by a Revenue Court after a period of (28) years. It is also observed by the Tribunal that the request of the Review petitioner is for rectification of wrong entries from the year 1985 onwards but the Record of Rights was prepared in the year 1993-94 read with rules in the year 1989 of Telangana Rights in Land and Pattadar Pass Books Act, 1971('the Act, 1971' for brevity) and that, if any person aggrieved with the wrong entries he ought to file an objection under Rule 15 within one year from the date of publication and the petitioner failed to avail the said remedy provided under Section 3(iii) of the Act, 1971.

4. Having gone by record, as per the order dated 04.02.2021, passed by the Special Tribunal, the petitioner has got assignment certificate in the year 2005 vide Certificate No.B/4880/2004 dated 29.09.2005 and B/4880/2004 dated 11.08.2005 which would demonstrate that the petitioner's name has been recorded in the revenue records and E-Pattatdar passbook has been granted to the petitioner. In the subsequent order passed by the Special Tribunal, the learned Tribunal ought not to have stated that the petitioner ought to have availed the remedy as contemplated under Section 3 (iii) of the Act, 1971 which is contrary to its own order. Learned Tribunal has passed perverse order without any application of mind and prayed to allow this writ petition.

5. On the other hand, learned counsel for unofficial respondents would submit that petitioners and unofficial respondents are related to each other and originally the subject land has been allotted by Nizam in exchange and basing on the partition made between the successors, the

unofficial respondents are been recorded as successors of the subject land and accordingly, they have been issued Lavoni Patta. There is no perversity in the order and hence, would submit that petitioners after long lapse of time will not withhold any right for claiming succession as the petitioner's grandfather has already partitioned the property and based on the said partition the unofficial respondents have granted property and only to neck out the unofficial respondents, the petitioner is claiming the subject property through other means which does not hold any foundation. In so far as service of notice is concerned, notice has been served upon learned counsel for the petitioner as well as every necessary opportunity was given by the Special Tribunal and there is no perversity in the order and accordingly, would seek to dismiss the writ petition.

6. Learned Assistant Government Pleader for Revenue on the other hand would submit that learned Tribunal has rightly observed that petitioner has not availed the

opportunity of remedy as provided under law within stipulated time and seeking rectification after a period of 28 years is perverse and the same is barred by limitation and seek to dismiss the writ petition.

7. Having heard learned counsel for the petitioner, learned Assistant Government Pleader for Revenue and learned counsel for unofficial respondents and upon perusal of the record it reveals that the learned Special Tribunal in its order dated 04.02.2021 vide new case F2/Spl.Tribunal/0464/2021 and Old case No.B/896/2017 had observed as follows "As verified from the records available in this file the assignees got their certificates in the year 2005, vide Certificate No.B/4880/2004 dated 29.09.2005 and B/4880/2004 dated 11.08.2005 and they have also been updated in revenue record and have also been given new Eppbs." In the subsequent order of the Special Tribunal, W.P.(PIL).No.20 of 2021 is referred wherein the Division Bench of this Court had directed all the Special Tribunals in the State to pass fresh orders after

granting the reasonable opportunity to the parties whenever a request for personal hearing is received from the parties. On the aspect of availing remedy provided under Section (iii) of the Act, 1971 the Special Tribunal has not gone into the merits of the earlier order and came to a different conclusion and passed perverse order and the same does not deserve any consideration and accordingly the order passed by the learned Special Tribunal stands set aside and in so far as claim of the petitioner is concerned, in both orders learned Special Tribunal has not gone into the aspect that whether land in possession is falls within Mouza, in exchange of land which has been acquired by the Nizam Government.

8. It is under these circumstances, this Court deems it appropriate to set aside the order passed by the Special Tribunal and remand the matter to Revisional Authority as proviso 15(1) of the Telangana Bhu Bharati (Record of Rights in Land) Act, 2025, who inturn shall examine the said aspect based on record, granting opportunity to all the

parties and pass appropriate orders, in accordance with law.

9. With the above directions, this writ petition is disposed of. It is open for the petitioners and unofficial respondents to claim their right in respect of subject property at the time of hearing before Revisional Authority as proviso 15(1) of Telangana Bhu Bharati (Record of Rights in Land) Act, 2025. In so far as possession in respect of subject property, *Status-Quo* obtaining as on today shall be maintained by all the parties. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

SD/-A. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Department of Revenue, Secretariat Building, State of Telangana, Hyderabad.
2. The District Collector.Special Revenue Tribunal, Nalgonda District.
3. The Revenue Divisional Officer, Devarkonda Revenue Division, Devarkonda, Nalgonda District
4. The Tahsildhar, Chinthapally Mandal, Nalgonda District.
5. One CC to SRI NARESH REDDY CHINNOLLA, Advocate [OPUC]
6. Two CCs to GP FOR REVENUE (TG) ,High Court for the State of Telangana. [OUT]
7. One CC to SRI P. VENKATESHWER RAO, Advocate [OPUC]
8. Two CD Copies

MMT
BS

HIGH COURT

DATED:08/09/2025

ORDER

WP.No.18116 of 2021

DISPOSING OF THE WRIT PETITON
WITHOUT COSTS

(11) copies

dt: 30/1/26