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APHC010033092010

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

TUESDAY, THE 10TH DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

APPEAL SUIT NO: 564 OF 2010

Between:

1. Pyapili Murali Krishna, S/o. Nagappa D.No. 7/106 Prakash Road Ananthapur

...Petitioner

AND

1. Smt S Sarala, W/o. V.Siva Reddy Housewife D.No. 13-2-33 Ramachandra Nagar Anantapur

2. Guvvala Sreekanth Reddy, S/o. NAgireddy D.No. 1-2-175 Ramachandra Nagar Anantapur

3. Paritala Sailaja, W/o. Thipanna Chowdary D.no. 74, Sharada Nagar Anantapur

...Respondents

aggrieved by the Decree and Judgment dt. 16/02/2010 in OS.No. 5 of 2004 on the file of the District Judge, Anantapur, the appellant prefer the Memorandum of AS

IA NO: 1 OF 2010(ASMP 1627 OF 2010

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 grant stay of all further proceedings pursuant to judgment and decree dt. 16/02/2010 in OS.NO. 5 of 2004 on the file of the District Judge, Ananthapur, pending disposal of the appeal

IA NO: 4 OF 2010(ASMP 9454 OF 2010

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

IA NO: 1 OF 2013(ASMP 1027 OF 2013

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 fix an early date of hearing of the Appeal AS.No. 564 of 2010

Counsel for the Petitioner: YASWANTH GADE

Counsel for the Respondents: O M R LAW FIRM Counsel for the Respondents:O MANOHER REDDY

The Court made the following:

JUDGMENT: (*per Hon'ble Sri Justice D.Ramesh)*

1. The Appeal suit is filed aggrieved by the Decree and Judgment dated 16.02.2010 in O.S.No.5/2004 on the file of District Judge, Anantapur.

2. Heard Sri P.Chidambaram, learned senior counsel appearing on behalf of Mr. Yaswanth Gade, learned counsel for appellant/defendant no.1 and Sri O.Manohar Reddy, learned senior counsel for respondents.

3. The respondents/plaintiffs have filed the suit for declaration of the title over the schedule property and for permanent injunction against the defendants. As per the pleadings, the plaintiff was the predecessor of the schedule property. The original owners sold the schedule land in favour of Smt. Meka Basamma, W/o Subbarayudu, under a regular sale deed dated 27.3.1936. Smt. M.Basamma, in turn sold the schedule property in favour of M.Ramappa under regular sale deed dated 27.5.1950. M.Ramappa enuoyed the suit land during his life time and died leaving behind legal heirs/wife Narasamma who died in 1978 leaving behind her legal heir Dr.Venkata Swamy and his sister B.Kamalamma who are the children of M.Bojjappa, younger brother of M.Ramappa. Subsequently after partition, the suit properties fell to the share of Smt. Kamalamma along with other properties and after the death of husband of Kamalamma, from the Power of Attorney holder i.e. Sri Katta Ramappa sold the suit property in favour of the plaintiff under registered sale deeds and in pass books, revenue records also their names were entered. Without having any right over the subject property, the defendants, with a view to grab the schedule property have been manipulating the records and creating fictitious documents

taking the helplessness and are trying to interfere with the possession of the plaint schedule property. Hence the suit.

4. The schedule property is a service Inamland, accordingly unless and until the Inamtenure is covered into ryotwari tenure, the inamdar or any person holding through him has any right to transfer the lands. The regular sale deeds referred to by the plaintiff are void documents and she has not perfected any title or possession of any kind under those sale deeds. The plaintiff has no capacity to purchase the suit land. The Government, after making due enquiries and finding that Chakari Sanjappa S/o Chakari Sanjeevugadu was in possession and rendered service and the rest of the inam-holders left the village and some of them died issueless. Accordingly granted ryotwari patta in favour of Chakari Sanjappa in respect of the suit land and thus Chakari Sanjeevu became full and absolute owner of the suit property and after his death, his son Chakari Anjaneyulu succeeded to the suit property and other properties. Accordingly patta pass books and title deeds have been issued and he has been enjoyed the land by raising different crops and by paying land revenue. He executed a regular sale deed on 20.12.2003 along with others for an extent of Ac.1.50cents in favour of defendant no.1. The other persons also joined the sale deed who claim to have been entrusted by virtue of gift deed dated 06.12.1991.

5. Basing on the above pleadings, the trial Court has framed the following issues.

1. Whether the plaintiff is entitled for the relief of a decree for declaration and for permanent injunction?
2. Whether the sale deed in favour of the first defendant is true, valid and binding on the plaintiff?
3. Whether this Court as Civil Court has got jurisdiction to try this suit?
4. Whether there is any cause of action in filing the suit?

Considering the merits of the case, the Court on 27.9.2010 made interim order directing the parties to maintain status-quo with regard to possession as on today and both the parties are also restricted from alienating or making any constructions in the schedule property.

6. Issue no.3 is with regard to jurisdiction of the civil Court. The defendants/appellants have contended mainly that Ex.A7 diglot entries clearly shows that the suit land is Inam land and if it is an inam land then purchasers have to obtain ryotwari patta under Inam Abolition Act 1957 and in the present case, neither the plaintiff nor her predecessor in the title have obtained this ryotwari patta over the suit land and therefore no right or title vest on the plaintiff from the original inamdars. Further they have contended that the jurisdiction of the civil Court is excluded and it cannot grant any relief of declaration of title to the plaintiff based on Section 14 of the Act. The plaintiff had not taken any steps to question Ex.B1 patta granted in favour of Chakari Sanjappa, son of Sanjeevugadu under Section 7 read with Section 3 of the Act. Therefore the plaintiff will not get any right in the property and that the defendant, having purchased the property from the legal heirs of Chakari Sanjappa under Ex.B2, would get the right over the schedule property.

7. Based on the above leadings, learned counsel for the appellants has mainly contended that admittedly the subject land is an inam land and the provisions of the Inam Abolition Act 1956 is made applicable to the subject lands and as per the provisions of Section 3 of the Act contemplates determination of inam lands and Section 4 of the Act contemplates conversion of inam lands into ryotwari lands and section 7 of the Act deals with grant of ryotwari pattas. To

support his contention, he relief on the above asid provisions which reads as follows:

> ***3. Determination of inam lands:.***
>
> *(1)As soon as may be, after the commencement of this Act, the Tahsildar may suo mote and shall on application enquire and determine:*
>
> *(i)whether a particular land in his jurisdiction is an inam land,*
>
> *(ii)whether such inam land is in ryotwari, zamindari or inam village;*
>
> *(iii)whether such inam land is held by any institution.*
>
> *(2)Before holding such an enquiry, Tahsildar shall cause to be published in the village or town where the inam lands are situate a notice in the prescribed manner requiring every person or institution claiming an interest in any such inam land, to file before him, a statement of particulars in respect of items (i), (ii) and (iii) in sub-section (1) within the prescribed time.*
>
> *(3)The Tahsildar shall thereafter give the persons or institutions concerned a reasonable opportunity of adducing any evidence in support of their cases and may also examine any relevant document in the possession of the Government and give his decision in writing in regard to items (i), (ii) and (iii) in sub-section (1) and communicate the decision to the persons or institutions concerned.*
>
> *(4)Any person or institution aggrieved by a decision of the Tahsildar under sub-section (3), may appeal to the Revenue Court within sixty days from the date of communication of the decision [x x x] [The words 'by registered post' omitted by Act 3 of 1960.] and the Revenue Court may after giving the parties to the appeal a reasonable opportunity of being heard, pass such orders on the appeal as it thinks fit.*
>
> *(5)The decision of the Revenue Court under sub-section (4), and in case no appeal is filed, the decision of the Tahsildar under sub-section (3) shall be final.*
>
> *(6)Every decision of the Revenue Court under sub-section (4) and if no appeal is filed within the period specified in sub-section (4) every decision of the Tahsildar under sub-section (3), shall as soon as possible, be published in the District Gazette, and in such other manner as may be prescribed.*
>
> *(7)Every decision of the Revenue Court, and subject to such decision, every decision of the Tahsildar under this Section, shall be binding on all persons and institutions claiming an interest in any such inam land, notwithstanding that such persons or institutions have not filed any application or statement, or adduced*

any evidence or appeared or participated in the proceedings before the Tahsildar or the Revenue Court as the case may be.

4. Conversion of inam lands into ryotwari lands:.

(1)In the case of an inam land in a ryotwari or zamindari village the person or institution holding such land as inamdar on the date of commencement of this Act shall be entitled to a ryotwari patta in respect thereof.
(2)In the case of inam land in an inam village:
(a)if such a land is held by any institution on the date of commencement of this Act, such institution shall be entitled to a ryotwari patta in respect of that land;
(b)If such a land is held by an inamdar other than an institution on the date of commencement of this Act, and is in his actual occupation on the said date, the tenant who is declared to be in occupation of that land on the 7th January, 1948, by the Revenue Court under sub-section (3) of Section 5, or the Collector under sub-section (5) of that Section, as the case may be, shall be entitled to a ryotwari patta for two-thirds share of that land and the inamdar shall be entitled to a ryotwari patta for the remaining one-third share thereof: and if no tenant has filed an application before the Revenue Court under sub-section (2) of that Section within the period specified therein, the inamdar shall be entitled to a ryotwari patta in respect of that land:
(c)if such a land is held by an inamdar other than an institution on the date of commencement of this Act, but is in the occupation of a tenant on the said date, the tenant who is declared to be occupation of that land on the 7th January, 1948, by the Revenue Court under sub-section (3) of Section 5, or the Collector under sub-section (5) of that Section, as the case may be, shall be entitled to a ryotwari patta of two-thirds share of that land and the inamdar shall be entitled to a ryotwari patta for the remaining one-third share thereof and if no tenant has filed an application before the Revenue Court under sub-section (2) of that Section within the period specified therein the tenant in the occupation of the land on the date of commencement of this Act, shall be entitled to a ryotwari patta for two-thirds share of that land and the inamdar shall be entitled to a ryotwari patta for the remaining one-third share thereof.
(3)The one-third share of the inam land in occupation of tenant in respect of which the inamdar is entitled to a ryotwari patta under clause (b) or clause (c) of sub-section (2) shall be deemed to be the compensation payable to the inamdar in lieu of the extinguishment of his rights in the two-thirds share of such land.

7. Grant of Ryotwari Pattas:.

(1)As soon as may be after commencement of this Act and subject to the provisions of sub section (4), the Tahsildar may suo motu and shall, on application by a person or an institution, after serving a notice in the prescribed manner on all the persons or institutions interested in the grant of ryotwari pattas in respect of the inam lands concerned and after giving them a reasonable opportunity of being heard and examining all the relevant records, determine the persons or institutions entitled to ryotwari pattas in accordance with the provisions of Section 4 and grant them ryotwari patta in the prescribed form.

(2)Any person or institution aggrieved by the grant of a ryotwari patta by the Tahsildar under sub-section (1) may appeal to the Revenue Court within sixty days from the date of such grant, and the Revenue Court may, after giving the parties to the appeal a reasonable opportunity of being heard pass such orders on the appeal as it thinks fit.

(3)The decision of the Revenue Court under sub-section (2) and where no appeal is filed, the decision of the Tahsildar under sub-section (1) shall be final.

(4)Where the Revenue Court declares under sub-section (2) that a person or an institution different from the person or institution to whom a Tahsildar has granted a ryotwari patta under sub-section (1) is entitled to a ryotwari patta the Tahsildar shall cancel the ryotwari patta granted by him and grant a fresh ryotwari patta in accordance with the decision of the Revenue Court under sub-section (2).

(5)In the case of inam lands held by an inamdar other than an institution in an inam village, if an application is filed under sub-section (2) of Section 5 within the period specified in that sub-section, no tenant or inamdar shall be granted a ryotwari patta under sub-section (1) until the decision of the Revenue Court under sub-section (3) of Section 5 or of the Collector under sub-section (5) of that Section, as the case may be, is given.

14. Bar of jurisdiction of Civil Courts:.

- No suit or other proceeding shall be instituted in any Civil Court to set aside or modify any decision of the Tahsildar, the Revenue Court, or the Collector under this Act, except where such decision is obtained by misrepresentation, fraud or collusion of parties.

8. Based on the above provisions learned senior counsel has contended that though defendants have pleaded in their written statement with regard to the said aspect but the learned trial Court failed to consider the same. Admittedly, the vendors of the defendants those who are in possession of the inam land has made an application, accordingly they have granted ryotwari patta under Ex.B1 dated 12.01.1979. The said patta became final. The plaintiff/respondent has not assailed the said patta either by way of an appeal or by initiating any proceedings. Accordingly whatever the transactions relied by the plaintiff are void and not in accordance with the statute. Further, he also made his submissions that there is a specific bar under Section 14 of the Act that no suit or

other proceedings shall be instituted in any civil Court to set aside the order modifying the possession. Hence, once the patta granted are according to the provisions of the Act are subsisting, without assailing the said patta, the trial Court ought not to have granted declaration in favour of the plaintiff. When there is a specific bar and the Court to entertain the declaration of the inams lands, but surprisingly the trial Court ignored the same and passed the impugned orders.

9. Substantiating his contention, he relied mainly on the Judgment of the Hon'ble Apex Court in ***Pushpagiri Math vs. Kopparaju Veerabhadra Rao***[1] wherein the Hon'ble High Court has held that:

> *Under the A.P. Inam Abolition and Conversion into Ryotwari Act, Act 37/56, after the Act had come into force, the pre-existing right, title and interest Stood extinguished and the new rights were sought to be conferred under Section 3 read with Section 7 thereof either in a sumotu enquiry under Section 3 or on an application under Section 7. A new grant of ryotwari patta is to be made by the Tahsildar by way of an order after enquiry to the extent of entitlement as per law.*
>
> *It would be subject to an appeal to the Revenue Divisional officer which becomes final. In Peddinti Venkata Murail Ranganath Deslka Iyengar & Ors v. Govt of A.P. & Anr [JT 1996 (1) SC 234], a Bench of two Judges of this Court (in which one of us K Ramaswamy J. was a member) had considered the scope and operation of the Act. While considering the constitutional validity of Section 76 of the A.P Charitable and Hindu Religious Institution and Endowments Acts 1987, the Court held that a person or institution or the tenant in occupation is entitled to ryotwari patta in respect of the land. The institution is entitled to the extent of 2/3 and the tenant or person is entitled to ryotwari patta to an extent of 1/3 share. The grant of ryotwari patta udder Section 7 becomes conclusive overriding the effect given by Section 15 over any other law. It would therefore be clear - that after the Inam stood abolished the pre-existing rights extinguished and the obligation to render service burdened with the land was relieved. The holder of the land became entitled to free hold ryotwari patta. Thus the pre-existing rights title and interest stood extinguished.*
>
> *It would thus be clear that by statutory operation of the provisions of the Act the pre-existing right or interest held by the inamdar or the institution stood extinguished and conferment of ryotwari patta under Section 7 read with Section 3 becomes conclusive between the parties. Therefore the jurisdiction of the civil Court to declare title to the Inam land by necessary implication, stood excluded.*

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[1] (1996) 9 SCC 202

10. Learned senior counsel has contended that in the above referred case the Hon'ble Apex court has considered the identical issue and categorically held that once the ryotwari patta granted under Section 7 r/w Section 3 of the Act becomes conclusive between the parties and the Civil Court to declare the title to the Inam land stood excluded. In fact the Hon'ble Apex Court has also pointed out the interference of the High Court became ignorant to the statutory operation. In view of the express observations made by the Hon'ble Apex Court, it is clear that once the patta is granted under the Inam Abolition Act more specifically under Section 7 r/w Section 3 of the Act the only option applicable to the effected persons are to file an appeal under Section 7(2) of the Act. But in the instant case, Ex.B1 ryotwari patta granted in favour of the vendors of the defendants were not assailed by the plaintiff either in the appeal by invoking Section 7(2) of the provisions of the Act or in any other appropriate proceedings. Hence once the patta granted in favour of the vendors of the defendants became final, the civil Court ought not to have pass a decree declaring the title in favour of the plaintiff. As observed by the Hon'ble Apex Court and as per the express exclusion of the jurisdiction under Section 14, the civil Court ought not to have entertained the suit more specifically for declaration of title with regard to Inam lands.

11. Reply to the said contention, Sri O.Manohar Reddy, learned senior counsel appearing on behalf of the respondent/plaintiff has contended that the vendors of the plaintiff have possession by virtue of the regular sale deeds since 1936 and 1950. Finally the plaintiff has purchased in 1999. As all the documents are regular sale deeds executed by the original owner. Accordingly, the plaintiff was in possession of the subject property and the revenue records were also

mutated in their names and they are also filed along with the plaint. Hence the plaintiff was the absolute owner was entitled for declaration of title over the subject property in their favour. With regard to legal contentions raised by the appellants, learned senior counsel has submitted that the Hon'ble Apex Court has considered the issue with regard to baring of civil Court's jurisdiction by statute in the judgment in between ***Dhulabhai etc vs. State of M.P. and another***[2] wherein it is held that:

> *Where the statute gives a finality to the orders of the special tribunals the civil court's jurisdiction must be held to be excluded if there is adequate remedy to do what the civil courts would normally do in a suit. Such provision, however, does not exclude those cases where the provisions of the particular Act have not been complied with or the statutory tribunal has not acted in conformity with the fundamental principles of judicial procedure*

12. As per the observations of the Hon'ble Apex Court in the above referred paragraph, it is clear that jurisdiction of the civil Court to be excluded if there is adequate remedy to do what the civil Courts would normally do in a suit. Such provision, however, does not exclude those cases where the provisions of the particular Act have not been complied with. In the instant case, admittedly the authorities have failed to issue notices to the effected persons by giving them an opportunity before passing any orders. Hence the authorities have failed to follow the mandatory instructions in the provisions of the Act. In the said circumstances, the civil Court has jurisdiction to entertain the suit. Admittedly in the instant case, no such notices have been issued to the effected persons while granting ryotwari patta under Ex.P1. Hence the patta granted in favour of the

[2] AIR 1969 SUPREME COURT 78

defendants is not in accordance with the provisions of the Act. In the said circumstances, the civil Court has right to entertain the suit for declaration of title.

13. Reply to the said contentions, learned senior counsel appearing on behalf of the appellants/defendants has placed the observations made by this Court in ***Sri Rama Swamy and Sri Prasanna Visweswaraswami Temple vs. Dodlavaram Rajaiah and Ors.***[3] wherein it is held that:

> *19. Learned Counsel for the defendant submits that in view of Section 14 of the Inams Abolition Act, civil Court has no jurisdiction. She would also contend that the allegation of misrepresentation, fraud and collusion are without any merit. Nextly, she contends that when once a ryotwari patta is granted under Section 7 of the Inams Abolition Act, its validity cannot be questioned in a civil Court and the person aggrieved has remedies by way of an appeal under Section 7(2) of the Inams Abolition Act and revision under Section 14-A of the Inams Abolition Act. She placed strong reliance on the decision of this Court in Thumati Varamma v. Thumati Rambhotlu MANU/AP/0759/1999 : 1999(6)ALD185 Learned Counsel for plaintiffs submits that as there was collusion between P.W.5 and the defendant a suit is not barred. He placed reliance on G. Naganna v. Staya Sri Sri Sri Pramoda Theertha Swamy Varu 1977 (2) APLJ 19 Short Notes.*
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> *20. There is no gainsaying that unless its jurisdiction is expressly or impliedly barred, a civil Court has jurisdiction to try all suits of civil nature. Express bar is imposed by statute making it clear that a civil Court has no jurisdiction to try a suit or proceedings of civil nature. The principle of implied bar of civil Court's jurisdiction is inferred when the statute provides for a remedy before duly constituted authority and also provides appellate redressal mechanism. So to say, when the statute prescribes procedure for conferring a benefit and provides for appellate/original authority, without any doubt, the jurisdiction of the civil Court is impliedly barred even if there is no express mention of the same.*
>
> *A claim for grant of ryotwari patta in respect of inam land is a right of civil nature. As per Sections 3 to 7 of the Inams Abolition Act and Rules 3 to 7 of the Rules, when an application is made by a person claiming ryotwari patta, the IDT is required to take steps as provided by the law. An application for grant of patta might in a given case consists adjudication of the claim to grant patta and/or a right to claim patta. A person may seek declaration that by reason of the original grant of inam, he is exclusively entitled to claim a right to patta. Both the claims can be adjudicated by the IDT subject to the decision of appellate authority in case such appeal is preferred. Therefore, the jurisdiction of the civil Court in the matter of deciding the nature of inam, the entitlement to inam and right to patta, the jurisdiction of the civil Court is barred. Here we may read Section 14 of the Inams Abolition Act.*

[3] 2008(5) ALD 187

14. Bar of jurisdiction of Civil Courts:

No suit or other proceeding shall be instituted in any Civil Court to set aside or modify any decision of the Tahsildar, the Revenue Court, or the Collector under this Act, except where such decision is obtained by misrepresentation, fraud or collusion of parties.

21. If a party alleges that there is no notice or there is no proper notice or there is no adequate opportunity to represent the case before the Tahasildar while decision is rendered, it is not an exception to the express bar to civil Court's jurisdiction. Even if the plaintiffs allege that they had no proper notice, and therefore, there was no decision, a suit is barred. The remedy of the aggrieved in such an event is to prefer an appeal before the Revenue Divisional Officer. Hence on the ground of improper notice or lack of notice during the inams enquiry, a suit cannot be entertained.

14. Learned senior counsel has submitted that this Court in the above case has considered and held by following the observations of the ***Thumati Varamma Vs. Thumati Rambhotlu*** and held that the entitlement to the Inam and ryotwari patta the jurisdiction of the civil Court is barred and also further held that with regard to notice and adequate opportunity and held that does not gives any exception to the express bar to the civil Court jurisdiction and held that the remedy is to the aggrieved persons to prefer an appeal before the Revenue Divisional Officer and that is not a ground for approaching the civil Court

15. Considering the submissions made by both the counsel and a perusal of the record, when it is an admitted fact that the property is an Inam property and after promulgamation of the Inam Abolition Act 1956, as per the provisions of the Act, the State has power to declare the Inam lands and conversion of Inam lands into ryotwari lands and grant of ryotwari patta. According to the above said provisions, once the patta is granted after conducting enquiry by the competent authority, the pattadars are the absolute owners and title holders unless and until the said patta is interdicted by the appellate authority and as per the provisions of

the Act, the civil Court ought not to declare contrary. More specifically as observed by the Hon'ble Apex Court in ***Pushpagiri Math vs. Kopparaju Veerabhadra Rao*** (cited supra) case that as per the specific bar imposed under Section 14 of the Act, the jurisdiction of the civil Court stands excluded and in the said circumstances, entertaining the suit more specifically for declaration of title is to be declared as contrary to the provisions of the Inam Abolition Act 1956 and in view of section 14 of the Act, the jurisdiction of the civil Court is excluded. Accordingly this Court holds that the suit filed by the plaintiff is not maintainable for declaration of title contrary to the grant of patta under Section 3 & 7 of the Act.

16. Accordingly, the appeal suit is allowed by setting aside the Decree and Judgment dated 16.02.2010 in O.S.No.5/2004 on the file of District Judge, Anantapur. No costs.

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

JUSTICE D.RAMESH

JUSTICE A. HARI HARANADHA SARMA

Date: 10.11.2026
RD

THE HONOURABLE SRI JUSTICE D.RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

APPEAL SUIT NO.564 OF 2010

Dated: 10.11.2026

RD