IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 309 OF 2026

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 17/11/2025 in W.P.No.34690 of 2025 on the file of the High Court.

Between:

Thokata Suresh, S/o. Late Thokata Sandaiah, Age. 44 years, Occ. Agricultural Coolie, R/o. H.No. 2-5-42, Indiranagar, Venkateshwara Swamy Temple Road, Uppal, Medchal District. (L.R. of Late Thokata Neelamma)

...APPELLANT/WRIT PETITIONER

AND

1. State of Telangana, Rep by its Principal Secretary, Revenue Division, Medchal Malkajgiri District, Telangana.
2. The Joint Collector, Medchal Malkajgiri District.
3. The RDO, Medchal Malkajgiri Division.
4. The Tahsildar, Uppal Mandal, Medchal Malkajgiri District.
5. Smt. Pogula Sujatha, W/o. Pogula Ram Reddy, Age. 66 years, Occ. Housewife, R/o. H.No. 2-7-40/1, Uppal, Medchal - Malkajgiri District.
6. Namala Srinivas, S/o. N. Jagannadham, Age. 56 years, Occ. pvt. Service, R/o. H.No. 2-12-66, Nehru Nagar, West Maredpally, Secunderabad.
7. K. Srikanth, S/o. K. Pochaiah, Age. 39 years, R/o. H.No. 1-1-48/23/5, Shrengeri Colony, Mohan Nagar, Kothapeta, Medchal Malkajgiri District.
8. K. Ramchander, S/o. K. Narsaiah, Occ. Real estate, R/o. Padmavati Welfare Association, Shanti Nagar, Uppal, Medchal District.
9. Smt. Mada Shyamala, W/o. M. Satyanarayana, Age. 68 years, Occ. Housewife, R/o. H.No. 2-12-66, Nehru Nagar, West Maredpally, Secunderabad.
10. Smt. P. Sangeetha, W/o. P. Venkatesh, Age. 47 years, Occ. Housewife, R/o. H.No. 4-7-15/35, New Raghavendra Nagar, Nacharam, Uppal, Medchal Malkajgiri District.
11. Smt. P. Rajeshwari, W/o. P. Satyam, Age. 43 years, Occ. Housewife, R/o. H.No. 4-7-15/35, New Raghavendra Nagar, Nacharam, Uppal, Medchal Malkajgiri District.

12. Smt. P. Veena, W/o. P. Ramu, Age. 40 years, Occ. Housewife, R/o. H.No. 4-7-15/35, New Raghavendra Nagar, Nacharam, Uppal, Medchal Malkajgiri District.
13. Sri. B. Ramulu Naik, S/o. Sri Dudya Naik, Age. 47 years, Occ. Business, R/o. H.No. 2-153, Uppal Village, Medchal Malkajgiri District.
14. Sri. B. Laxman Naik, S/o. Sri Dudya Naik, Age. 47 years, Occ. Business, R/o. H.No. 2-153, Uppal Village, Medchal Malkajgiri District.
15. Sri. B. Prathap Naik, S/o. Sri Dudya Naik, Age. 45 years, Occ. Business, R/o. H.No. 2-153, Uppal Village, Medchal Malkajgiri District.
16. Smt. P. Lalitha, W/o. P. Venkat Reddy, Age. 53 years, R/o. H.No. 1-7-503/A, Bakaram, Musheerabad, Hyderabad.
17. Sri. K. Anil Kumar, S/o. Sri Goverdhana Chary, Age. 50 years, Occ. Real Estate, R/o. H.No. 1-7-503/A, Bakaram, Musheerabad, Hyderabad.
18. Sri. P. Venkateshwarlu, S/o. Sri Yadaiah, Age. 47 years, Occ. Real Estate, R/o. 2-2-55/1/3, Shanti Nagar, Hyderabad.
19. Smt. P. Saraswathi, W/o. P. Bagawanth Rao, Age. 47 years, Occ. Real Estate, R/o. H.No. 301, Pleasant House, Gayatri Nagar, Jeedimetla, Medchal Malkajgiri District.
20. Sri. V. Narsaiah, S/o. Late Sri. Shankaraiah, Age. 84 years, Occ. Real Estate, R/o. H.No. 12-13-34, G.F. Street, Tarnaka, Secunderabad.
21. Sri. N. Prasad, S/o. Sri Kishan Rao, R/o. 3-8-12, RamanthapurVillage, Uppal, Medchal Malkajgiri District.
22. Sri. K. Goverdhana Chary, S/o. Sri K. Shankaraiah Chary,Age. 77 years, Occ. Carpenter, R/o. H.No. 1-7-503/1, Bakaram, Musheerabad, Hyderabad.
23. Smt. B. Sathya Anasuya, W/o. Sri. Raja Ratnam, Age. 50 years, Occ. Real estate, R/o. H.No. 2-2-215/13, Bakaram, Musheerabad, Hyderabad.
24. Sri. DeekondaAmbadas, S/o. Sri D. Ramulu, Age. 43 years, Occ. Business, R/o. H.No. 11-3-357/8/A, Santhosh Nagar, Parsiguda, Secunderabad.
25. Sri. P. Giridhar Rao, S/o. Sri Laxman Rao Age. 60 years, Occ. Real estate, R/o. Plot No. 101, Sri Sai Apartments, A.V.V. Nagar, Street No. 8, Habsiguda, Hyderabad.
26. Smt. ThokataNarsing Rao, S/o. Late Thokata Sandaiah, Age. 45 years, Occ. agricultural coolie, R/o. H.No. 2-5-42, Indiranagar, Venkateshwara Swamy Temple Road, Uppal, Medchal District. (L.R. of Late Thokata Neelamma)

...RESPONDENTS

I.A. NO: 3 OF 2026

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 operation of RDO's Order dt. 06.09.1997 in File No. 1/4080/1996 pending disposal of the above-captioned Writ Appeal.

Counsel for the Appellant: SRI ABHISHEK.N
Counsel for the Respondent Nos.1 TO 4: SRI MURALIDHAR REDDY KATRAM, GP FOR REVENUE

Counsel for the Respondent Nos.5 TO 26: --

The Court made the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.309 of 2026

DATE: 06.04.2026

Between:

Thokata Suresh

....Appellant

And

State of Telangana
Represented by its Principal
Secretary and 25 others

....Respondents

JUDGMENT

Heard Sri N.Abhishek, learned counsel for the appellant and Sri Muralidhar Reddy Katram, learned Government Pleader for Revenue appearing for respondent Nos.1 to 4 and perused the record.

2. This writ appeal, preferred under Clause 15 of the Letters Patent, assails the interim order dated 17.11.2025 passed by the learned Single Judge in W.P.No.34690 of 2025. By the said order, the learned Single Judge dismissed the writ petition by applying the settled principles relating to delay and laches.

Factual matrix (in brief)

3. Appellant claims that the subject land, being agricultural land admeasuring Ac.0.16 Gts in Sy.No.94 and Ac.0.02 Gts in Sy.No.124, totaling Ac.0.18 Gts, situated at Uppal Bagayath Village, Uppal

Mandal, Medchal Malkajgiri District (hereinafter referred to as "the schedule property"), is an Inam land governed by the provisions of the Telangana Abolition of Inams Act, 1955 (hereinafter referred to as 'Inams Act'). Originally, one Thokata Narsimha, the grandfather of the appellant, was the Inamdar, owner, and possessor of the schedule property and was in peaceful possession and enjoyment thereof from the year 1955. Upon his demise on 22.02.1975, his son, Thokata Sandaiah (father of the appellant), succeeded to the property, and his name was accordingly entered in the revenue records as owner and possessor.

4. Subsequently, upon the death of Thokata Sandaiah on 17.08.1987, his wife, Smt. Thokata Neelamma (mother of the appellant), succeeded to the schedule property. Though the name of Thokata Sandaiah continued in the revenue records up to the year 1995–96, from the year 1996–97 onwards, the name of the appellant's mother came to be reflected in the revenue records, and she continued to be in peaceful possession and enjoyment of the schedule property without interruption.

5. While matters stood thus, 5th respondent, without any lawful right, title, or possession over the schedule property, is alleged to have approached the competent authority seeking grant of occupancy rights. Accordingly, the Revenue Divisional Officer (RDO), Ranga Reddy East Division, by proceedings in ORC No.J/4080/1996 dated

06.09.1997, granted Occupancy Rights Certificate (ORC) in favour of 5th respondent in respect of land admeasuring Ac.1.17 Gts, comprising Ac.0.06 Gts in Sy.No.94, Ac.0.13 Gts in Sy.No.124, and Ac.0.38 Gts in Sy.No.156, after collecting a premium amount of Rs.2,850/-. Thereafter, the Mandal Revenue Officer (MRO), Uppal, implemented the said ORC *vide* proceedings No.B/7979/97 dated 11.09.1997, and 5th respondent was treated as the owner of the said extent.

6. Pursuant to the grant of ORC, 5th respondent along with other ORC holders, namely Gunde Yadaiah and Gunde Krishna, obtained approval of a layout covering a total extent of Ac.2.01 Gts in Sy.Nos.93, 94, 124 and 125. The said lands were converted into plots and alienated in favour of various third-party purchasers through registered sale deeds, thereafter, such purchasers have constructed residential houses and commercial establishments, obtained electricity connections, are paying property taxes to the Greater Hyderabad Municipal Corporation (GHMC), and have been in settled possession for several years.

7. On 30.07.2015, when 5th respondent and others attempted to dispossess the appellant's mother from the schedule property, she filed O.S.No.473 of 2015 before the Court of the I Junior Civil Judge, Ranga Reddy District, seeking perpetual injunction. The said suit came to be closed on 20.08.2018. In the said proceedings, the

application for interim injunction in I.A.No.653 of 2015 was dismissed on 04.02.2016 on the ground that the appellant's mother failed to establish *prima facie* possession over the schedule property.

8. Thereafter, the appellant's mother instituted O.S.No.693 of 2017 before the II Additional District Judge, Ranga Reddy District, seeking declaration of title. The plaint therein came to be rejected, and the matter is presently pending consideration in A.S. No.76 of 2020 before this Court.

9. Further, upon acquiring knowledge of the grant of the ORC in favour of 5th respondent through the written statement filed in O.S.No.473 of 2015, the appellant's mother preferred Appeal No.F1/1828/2016 before the Joint Collector, Medchal Malkajgiri District, under Section 24 of the Inams Act, assailing the ORC dated 06.09.1997.

10. The Joint Collector, upon consideration of the material on record, rival submissions, and reports of the Tahsildar, dismissed the appeal by order dated 24.02.2018 and recorded the following findings as hereunder:

> *Perused the records, examined the case and heard the arguments advanced by the counsels. As per Revenue Records the lands bearing Sy.No.94 (Ac.1-09gts.), 124 (Ac.1-37gts.) & 156 (Ac.1-36gts.), situated at Uppal Bagayath Village are classified as Dasthegardan, Inam Lands.*
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> *The case of the appellant is that she has acquired Ac.0-16gts., in Sy.No.94 & 0.02gts., in 124 total adm., Ac.0-18gts., from her father-in-law, Late Thokatta Narsimha who was the Inamdar of the said lands. Thokatta Narsimha died on 22-02-1975 leaving behind his son Thokatta Sandaiah the husband of the appellant herein. After the death of T.Sandaiah on 17.08.1987, the appellant has succeeded to the said lands, but the name of*

Sandaiah was continuing in Revenue Records upto 1995-96. From 1996 onwards the name of the appellant appeared in Revenue Records as Possessor. The grievance of the appellant is that the ORC No.J/4080/97, dated: 09.06.1997 has been issued erroneously in the name of the R.3 herein namely P.Sujatha in respect of lands bearing Sy.Nos.94 (0.06gts), 124 (0.13gts) & 156 (0.38gts) total adm., Ac.1.17gts without notice to the appellant herein which includes the land, of the appellant. She filed a suit as OS No.473/15, on the file of the Dist. Court, R.R.Dist., for perpetual injunction against the R.3.

Earlier to it another ORC vide Ref. No.J/2933/92, dated: 10-06-1992 was issued in the name of Gunde Krishna & others by the RDO, R.R.East Division in respect of lands bearing Sy.Nos.94 & 124 to an extent of Ac.0.24gts. The R.3 herein and the said Gunde Rao have jointly obtained a layout for a total extent of Ac.2.01gts covered by both the said ORCs and converted the land into plots and sold to individual plot holders. The appellant has alleged that, the R.3 has obtained ORC in her name to an extent of Ac.1.17gts as mentioned above by filing fake documents and in collusion with some of the Revenue Officials. The RDO, Malkajgiri Division has issued another ORC in file No.J/1692/13, dated: 17.01.2015 in respect of part of same lands in Sy.No.94 & 124. The appellant has prayed to set aside the ORC bearing No.J/4080/96, dated:06-09-1997 issued in the name of the R-3 allegedly based on fake documents including the land of the petitioner without notice to her.

The R.3 in her counter has denied the averments made by the appellant, stating that the appellant is not the aggrieved party as such she has no locus standi. In respect of ORC No.J/1692/13, the R-3 has stated that she has purchased the land covered by the said ORC. An appeal was filed against it in appeal No.F1/727/15 which was allowed by the Joint Collector, R.R.Dist., on 31.03.2016 and remanded the matter back to the RDO, for fresh enquiry. The respondents therein filed a writ petition before the Hon'ble High Court which is still pending for adjudication. The plot owners in that case vehemently opposed against Smt T.Neelamma the appellant herein, under the banner of Padmavathi Colony Welfare Association. The R.3 has defended by the ORC issued by the RDO, R.R.East Division in file No.J/4080/96, dated:06-09-1997 and prayed to dismiss the appeal being devoid of merits. The R.3 in her additional counter has reiterated the facts and stated that her husband Late Sri P.Ramreddy during his lifetime purchased the lands claimed by the appellant herein through unregistered sale deed dated: 25.06.1989 for a total consideration of Rs.60,000/- but the said sale deed was not readily traceable at the time of filing earlier counter. Because due to death of Ramreddy and time gap occurred, the material papers were scattered. However, she could trace out the said document and filed a copy of it. The R.3 has further stated that basing on the said sale deed and possession of late P.Ramreddy devolved to R.3 herein, the RDO has rightly granted the ORC in file No.J/4080/96 in her favour.

The R.3 has further stated that the Hon'ble 1st Addl. Jr. Civil Judge, R.R.Dist in I.A. No.653/15, in O.S.No.473/15 has dismissed the prayer of

the appellant for injunction as the appellant could not establish her possession. The appellant and her sons have filed another suit as O.S. No.633/17 in the court of the Hon'ble Dist. Judge, R.R.Dist., for declaring them as co-owners & title holders. They have also filed an I.A. petition No.795/17 in O.S. No.633/17 for injunction and the same are pending before the Hon'ble Court. The plot owners have also filed implead petition and in their counter they have vehemently denied the averments and claim of the appellant, as the plot owners after purchasing the plots have already constructed pacca houses and residing there.

During the course of enquiry both the appellants & respondents have filed their claims & counter claims, reply to counter, written arguments & reply to written arguments, additional written arguments etc., with minute details relying upon citations from High Courts & Supreme Court as detailed under the head of their relevant claims. A criminal case as Crl.SR.No.1361/17 has also been filed by the appellant and her sons in the court of the Hon'ble Metropolitan Magistrate Court, Rachakonda, Cyberabad at L.B.Nagar, Hyderabad against the R.3 & respondents i.e., plot owners who have purchased plots in the above said lands and constructed pacca houses and no open land is left, out of the said Sy.Nos. The said case is also pending before the Hon'ble Court.

In the light of above circumstances and state of affairs I do not find any valid grounds to interfere with the ORC issued by the then RDO, R.R.East Division in file No.J/4080/96, dated: 06.09.1997 in favour of the R.3 herein in respect of lands bearing Sy.Nos. 94 (0.06gts), 124 (0.13gts) & 156 (0.38gts) total adm., Ac.1.17gts situated at Uppal Bagayath Village now in Uppal Mandal of Medchal-Malkajgiri Dist., as such the same is upheld. The civil suit as O.S. No.693/17, filed by the appellant and her sons against the respondents is pending before the Hon'ble Dist. Court, R.R.Dist., for declaring the plaintiffs therein as sole and absolute co-owners and title holders of the suit schedule property i.e., Sy.No.94 & 124 of Uppal Bagayyath Village, whereas the same lands are subject matter of this appeal. Thus there is a serious dispute of title involved in this appeal and this court being a Quasi Judicial Court has no jurisdiction to resolve the title dispute. As such the parties are advised to await orders of the Hon'ble Court in O.S.No.693/17 pending before the Hon'ble Dist., Court, R.R.Dist. In the result the appeal is dismissed.

11. Subsequent to the demise of the appellant's mother on 07.12.2019, the appellant, after collecting the relevant records, instituted the underlying writ petition before this Court challenging the ORC dated 06.09.1997 as well as the appellate order dated 24.02.2018. The learned Single Judge, by order dated 17.11.2025,

dismissed the writ petition primarily on the ground of delay and laches, observing hereunder:

> *12. In the instant case, admittedly, the ORC was granted in favour of respondent No.5 in the year 1997, thereafter, the layout was granted and the said land was converted into plots and sold to individual plot owners. Section 24 of the Act, 1995 confers right to prefer appeal by an aggrieved person against the decision of the competent authority in granting ORC under Section 10 of the Act, 1995. Section 24 of the Act, 1995 prescribes 30 days time to prefer such appeal from the date of decision. Even assuming for a moment that the mother of the petitioner came to the knowledge of the ORC obtained by respondent No.5 on 12.09.2016 through the written statement filed by the defendant in O.S.No.473 of 2015, she ought to have filed the appeal within 30 days from that date. But the mother of the petitioner filed an appeal after long lapse of 19 years of granting ORC. Apart from that, the writ petition is also filed after seven years of dismissal of the appeal by the petitioner. Therefore, this Court is of the opinion that either the petitioner or his mother, are not diligent in pursuing the matter. Hence, this writ petition filed and framed is misconceived and is liable to be dismissed on the sole ground of delay and laches.*
>
> *13. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.*

12. Aggrieved by the said order, the appellant has preferred the present writ appeal.

Submissions on behalf of the appellant

13. Learned counsel for the appellant, assailed the impugned order and has advanced submissions as under:

i) That the learned Single Judge erred in dismissing the underlying writ petition solely on the ground of delay and laches, without examining the legality, propriety, and jurisdictional validity of the ORC and the appellate order dated 24.02.2018. That the doctrine of delay and laches is not an absolute bar to the exercise of jurisdiction under Article 226 of the Constitution of India, particularly where the impugned action is vitiated by fraud, misrepresentation, and lack of

jurisdiction. Therefore, the Court ought to have adjudicated the matter on merits.

ii) That the ORC in favour of 5th respondent was obtained by playing fraud upon the authorities, by way of misrepresentation and suppression of material facts. The appellant's mother never executed any sale deed in favour of 5th respondent or her husband. The alleged unregistered sale deed dated 25.06.1989, purportedly executed by the appellant's mother and her minor sons, is stated to be a forged and fabricated document.

iii) That the statutory appeal before the Joint Collector was preferred immediately upon the appellant's mother acquiring knowledge of the ORC through the written statement filed in O.S.No.473 of 2015. Hence, the appeal was within limitation, reckoned from the date of knowledge. The learned Single Judge ought to have appreciated that fraud has no limitation, the appellant cannot be non-suited on the ground of delay when the very foundation of the impugned action is alleged to be fraudulent.

iv) That the proceedings before the Joint Collector were diligently prosecuted by the appellant's mother until her demise on 07.12.2019. Thereafter, the appellant undertook steps to trace and collect the relevant records, many of which were in the custody of official respondents. The delay in approaching this

Court is neither wilful nor deliberate, but attributable to circumstances beyond the control of the appellant.

v) That the grant of ORC is vitiated by violation of the mandatory procedure prescribed under Rule 5 of the A.P. (T.A.) Abolition of Inams Rules, 1975 (for short 'Inam Rules'), which requires that the Inamdar be put on notice and made a party to the proceedings. In the present case, no notice was issued to the appellant or his mother, who claim to be the Inamdar's successors, thereby rendering the entire proceedings *void ab initio*.

vi) That the provisions of the Limitation Act, 1963, including Article 137, are not strictly applicable to writ proceedings. The jurisdiction under Article 226 is discretionary and equitable, and the High Court is empowered to entertain a writ petition even after lapse of time where the impugned action is without jurisdiction or vitiated by fraud, and where refusal to interfere would result in perpetuation of illegality.

vii) That the appellant has a strong *prima facie* case on merits. The revenue records, including the reports of the MRO and communications dated 31.08.1996 and 16.02.1992, clearly indicate that Thokata Narsimha was in possession of the schedule property on the crucial dates of vesting, namely 20.07.1955 and 01.11.1973, whereas 5th respondent or her predecessor had no recorded possession. Therefore, the

appellant's mother, as the legal heir of the original Inamdar, is entitled to grant of ORC.

viii) That substantial justice warrants adjudication of the dispute on merits rather than rejection on technical grounds. The appellant seeks to protect his ancestral property from illegal encroachment and unlawful claims set up by 5th respondent and her transferees, and denial of hearing on merits would result in grave injustice.

Submissions on behalf of respondent

14. Learned Government Pleader for Revenue for respondent Nos.1 to 4 has supported the impugned order and has advanced his submissions as under:

i) That the ORC was granted in favour of 5th respondent as early as in the year 1997. Under Section 24 of the Inams Act, an appeal is required to be filed within 30 days. Even assuming that the appellant's mother acquired knowledge in the year 2015 through the written statement in O.S.No.473 of 2015, the appeal filed in 2016 suffers from gross delay of about 19 years from the date of grant of ORC and about an year from the date of alleged knowledge. That no application for condonation of delay was filed before the Joint Collector nor any satisfactory explanation offered.

ii) That the writ petition challenging the appellate order dated 24.02.2018 was filed only in the year 2025, after an inordinate

delay of nearly seven years. No satisfactory or plausible explanation has been offered for such delay. The plea of misplacement of records in counsel's office is wholly untenable and cannot constitute sufficient cause for condonation of such extraordinary delay.

iii) That the appellant has an efficacious alternative remedy inasmuch as O.S.No.693 of 2017, filed by the appellant's mother seeking declaration of title, is pending consideration. The Joint Collector has rightly observed that complicated questions relating to title, fraud, and forgery cannot be adjudicated by a quasi-judicial authority and must be decided by a competent Civil Court upon appreciation of evidence.

iv) That, over the passage of nearly three decades, extensive third-party rights have come into existence. The subject lands have been converted into a layout, plots have been sold to numerous bona fide purchasers, and permanent residential and commercial structures have been constructed. The purchasers are in settled possession, paying property taxes, and have obtained electricity connections. It is also on record that no vacant land remains available. Any interference at this stage would seriously prejudice the rights of numerous third parties, who are not before this Court.

v) That the appellant's mother had herself applied for grant of ORC before the authorities in 2014, which was rejected on the

ground that the land had already been converted into non-agricultural use and was covered by constructions and layouts, which has been suppressed by the appellant.

vi) That the property having undergone substantial development over decades, and the appellant, having remained inactive for an inordinate period, cannot now be permitted to unsettle a long-settled state of affairs.

15. We have taken note of the respective contentions urged and perused the material on record.

Consideration by this Court

16. It is pertinent to note that in the case on hand, the ORC was granted on 06.09.1997. The statutory appeal under Section 24 of the Inams Act, was required to be filed within 30 days from the date of the order. The appellant's mother, however, filed the appeal only in the year 2016, i.e., after an inordinate lapse of approximately 19 years from the date of grant of the ORC. Even assuming that the appellant's mother acquired knowledge of the ORC only in the year 2015 through the written statement filed in O.S.No.473 of 2015, the appeal filed in 2016 would still fall beyond the prescribed period of limitation. Admittedly, no application seeking condonation of delay appears to have been filed before the Joint Collector.

17. It is trite that mere numbering or entertainment of an appeal cannot be construed as implied condonation of delay. The appellate order came to be passed on 24.02.2018. The writ petition assailing

the same was instituted only in the year 2025, i.e., after a lapse of approximately seven years. The explanation offered by the appellant is that, subsequent to the demise of his mother on 07.12.2019, he had to collect the relevant documents and that certain administrative lapses occurred in the office of the engaged counsel.

18. This Court is not persuaded by the aforesaid explanation offered. The death of the appellant's mother occurred in December 2019, whereas the writ petition was filed only in the year 2025. It is to be noted that even after affording reasonable latitude for collection of documents and consultation with counsel, the delay remains grossly unexplained. The plea of misplacement of case files in the office of the counsel cannot constitute a legally sustainable ground to condone such inordinate delay, as a litigant cannot be permitted to take shelter behind the alleged negligence or inadvertence of his counsel.

19. Further, the appellant contends that he and his mother have been continuously asserting their rights through civil proceedings and statutory remedies. However, careful examination of the events as discussed above reveals that the ORC was granted in 1997 and remained unchallenged until 2015, when only a suit for injunction was filed, followed by a statutory appeal in 2016 and a declaration suit in 2017, both after nearly two decades. The writ petition assailing the appellate order dated 24.02.2018 was instituted only in 2025, after a further delay of about seven years, cumulatively reflecting a lapse of nearly 28 years from the grant of the ORC.

20. It is relevant to note that the aforesaid sequence of events cannot be construed as a case of "continuous assertion of rights." On the contrary, it discloses a pattern of belated recourse to legal remedies, mixed with long and unexplained delays of inaction. The institution of a civil suit in the year 2015 does not explain the complete absence of any challenge between 1997 and 2015. Likewise, the filing of a statutory appeal in 2016 does not furnish any justification for the inordinate delay in approaching this Court only in the year 2025.

21. It is to be noted that the principle "the law aids the vigilant and not those who sleep over their rights" is of significance in the present case, as the appellant's mother was alive until 2019 and had sufficient opportunity to assail the appellate order dated 24.02.2018 before this Court within a reasonable time, but no such steps were taken. Such conduct, in the opinion of this Court, falls short of the standard of diligence expected of a litigant invoking equitable jurisdiction. It cannot be said that the appellant or his predecessor were vigilant in prosecuting their rights; rather, the conduct reflects acquiescence and prolonged inaction.

22. Further, the appellant has relied upon the principle that fraud vitiates all proceedings and that an order obtained by fraud can be challenged at any time. While the said proposition is well-settled, it is not absolute in the context of writ jurisdiction under Article 226. Even

in cases alleging fraud, the litigant is required to act with reasonable diligence and approach the Court within a reasonable time.

23. Even assuming that the alleged fraud came to light in 2015, though the appeal was filed in 2016, the writ petition challenging the appellate order dated 24.02.2018 was instituted only in 2025, after an inordinate delay of about seven years, for which no satisfactory explanation has been offered. Further, the appellant has already availed an alternative remedy by instituting O.S.No.693 of 2017, wherein the allegations of fraud and forgery can be appropriately adjudicated. The Civil Court, being competent to examine disputed questions of fact, is the proper forum, and the Joint Collector has rightly declined to adjudicate such issues in summary proceedings.

24. In the present case, one of the most significant factors is the creation of substantial third-party rights over the intervening decades. Pursuant to the ORC granted in 1997, the subject lands were developed into a layout covering Sy.Nos.93, 94, 124 and 125, admeasuring Ac.2.01 Gts, thereafter subdivided into plots and alienated to numerous purchasers through registered sale deeds. Residential and commercial constructions have since been raised, the layout has been regularized by GHMC and the occupants are in long-standing possession with municipal and utility connections. Thus, though the appellant has impleaded more than 20 individuals, it is evident that several other purchasers are not before this Court. At this belated stage, unsettling such crystallized rights would result in

manifest injustice, particularly in the absence of any satisfactory explanation for the inordinate delay.

25. In ***State of M.P. vs. Nandlal Jaiswal***[1], the Hon'ble Supreme Court held as under:

> *"24. Now, it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction. The evolution of this rule of laches or delay is premised upon a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy under the writ jurisdiction because it is likely to cause confusion and public inconvenience and bring in its train new injustices. The rights of third parties may intervene and if the writ jurisdiction is exercised on a writ petition filed after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. When the writ jurisdiction of the High Court is invoked, unexplained delay coupled with the creation of third party rights in the meanwhile is an important factor which always weighs with the High Court in deciding whether or not to exercise such jurisdiction. We do not think it necessary to burden this judgment with reference to various decisions of this court where it has been emphasized time and again that where there is inordinate and unexplained delay and third party rights are created in the intervening period, the High Court would decline to interfere, even if the State action complained of is unconstitutional or illegal. We may only mention in the passing two decisions of this court one in Ramana Dayaram shetty v. International Airport Authority of India ((1979) 3 SCC 489) and the other in Ashok Kumar Mishra v. Collector ((1980) 1 SCC 180). we may point out that in R.D. Shetty's case1, even though the State action was held to be unconstitutional as being violative of Article 14 of the Constitution, this Court refused to grant relief to the petitioner on the ground that the writ petition had been filed by the petitioner more than five months after the acceptance of the tender of the fourth respondent and during that period, the fourth respondent had incurred considerable expenditure, aggregating to about Rs.1.25 lakhs, in making arrangements for putting up the restaurant and the snack bar. Of course, this rule of laches or delay is not a rigid rule which can be cast in a strait-jacket formula, for there may be cases where despite delay and creation of third party rights the High Court may still in the exercise of its discretion interfere and grant relief to the petitioner. But, such cases where the demand of justice is so*

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[1] (1986) 4 SCC 566

compelling that the High Court would be inclined to interfere in spite of delay or creation of third party rights would by their very nature be few and far between. Ultimately it would be a matter within the discretion of the court; ex hypothesi every discretion must be exercised fairly and justly so as to promote justice and not to defeat it."

26. It is apposite to note that the appellant has instituted O.S.No.693 of 2017 before the II Additional District Judge, Ranga Reddy District, seeking declaration of title and recovery of possession. The said proceedings are pending, and A.S.No.76 of 2020 is also stated to be pending before this Court. The existence of such parallel civil proceedings is a relevant and weighty consideration. The Joint Collector, in the appellate order, has observed that the dispute involves serious questions of title and that a quasi-judicial authority lacks jurisdiction to adjudicate complex title disputes . The parties were, therefore, relegated to the Civil Court.

27. It is well settled that where an alternative efficacious remedy is available, the High Court may decline to exercise its jurisdiction under Article 226 of the Constitution of India. In ***Radha Krishan Industries v. State of Himachal Pradesh***[2], the Hon'ble Supreme Court reiterated that the existence of alternative efficacious remedy is a significant factor governing the exercise of writ jurisdiction. In the present case, the appellant has already invoked the jurisdiction of the Civil Court and is actively pursuing the said remedy. In such circumstances, parallel invocation of writ jurisdiction is unwarranted. The appellant is at liberty to agitate all issues, including the validity of

[2] (2021) 6 SCC 771

the ORC and allegations of fraud, in the pending civil proceedings, where comprehensive adjudication on facts and law is permissible.

Conclusion

28. For the foregoing reasons, this Court is of the considered view that the learned Single Judge was justified in dismissing the writ petition on the ground of delay and laches. The challenge to the ORC granted in 1997, pursued through a statutory appeal after 19 years and a writ petition after a further delay of seven years, suffers from gross and unexplained delay. No infirmity is found in the exercise of discretion by the learned Single Judge warranting interference in this appeal.

29. Accordingly, the Writ Appeal is dismissed. The order of the learned Single Judge dated 17.11.2025 in W.P.No.34690 of 2025 is hereby affirmed.

As a sequel, miscellaneous petitions, pending if any, stand closed. No costs.

SD/- A.V.S.PRASAD
DEPUTY REGISTRAR

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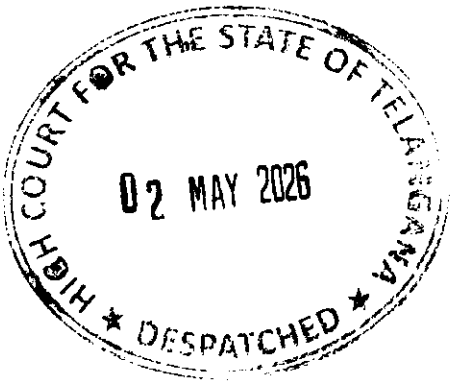
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HIGH COURT

DATED: 06/04/2026



JUDGMENT
WA.No.309 of 2026

DISMISSING THE WRIT APPEAL
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