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

TUESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SHRI JUSTICE ANIL KUMAR JUKANTI

WP.Nos.15141 AND 15406 OF 2005

WP NO: 15141 OF 2005

Between:

1. Madduri Shiva Shanker, S/o.Late Sri M.Papaiah, aged about 37 years, Occ: Agriculture
2. Madduri Radhakrishna, S/o. Late Sri M.Papaiah, aged about 34 years, Occ: Agriculture
3. Smt. M.Shankaramma, W/O: Late Sri M.Papaiah Aged about 56 years, Occ: House Hold
4. M. Urmila, D/o. Late Sri M.Papaiah, aged about 35 years, Occ: House Hold
5. M.Laxmi, D/o. Late Sri M.Papaiah, aged about 30 years, Occ: House Hold
6. M.Vasantha, D/o. Late Sri M.Papaiah, aged about 27 years, Occ: House Hold

All are R/o.H.No.4-31, Chandanagar Village Ranga Reddy District.

...PETITIONERS

AND

1. The Government Of Andhra Pradesh, rep. by its Joint Collector, Ranga Reddy District, Khairatabad, Hyd.
2. The Government of Andhra Pradesh, rep by its, Revenue Divisional Officer, Chevella Division, Ranga Reddy District.
3. The Government of Andhra Pradesh, rep by its, Mandal Revenue Officer, Serilingampally Mandal Ranga Reddy District.
4. Ch.Rama Krishna, S/o.Sri Pentaiah, aged about 51 years, Occ: Contractor
5. Sri Bendapudi Sri Krishna, S/o.Satyanarayana, aged about 51 years, Occ: Contractor

Both are R/o.H.No.23-26, Jyotinagar, R.C. Puram Medak 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 a writ order or direction more particularly, one in the nature of writ of Certiorari, call for the records in case No.D5/4301/2004 on the file of 1st respondent, and quash the order dt.5.3.2005 passed by 1st respondent in Case No.D5/4301/2004 as illegal, arbitrary and violation of Principles of natural justice and against Article-300A as illegal, arbitrary and violation of Principles of Natural Justice and against Article 300-A of Constitution of India.

I.A. 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 permit the petitioner to amend the affidavit by adding paragraphs 6A to 6E as under: "6A. I submit that the genealogy of the petitioners family is as under: Madduri Papaiah Lachamamma Madduri Seethaiah Madduri Sayanna 4, (Died issueless) Madduri Anjaiah (Died issueless) Madduri Papaiah "iv 4' Madduri Madduri Madduri Madduri Madduri Madduri Shiva Shanker Radhakrishna Shankeramma Urmila Laxmi Vasanta (Petnr-No.1) (Petnr-No.2) (Petnr-No.3) (Petnr (Petnr (Petnr No.4) No.5) No.6) oners er to is as 6B. I submit that originally our great-grandfather late Madduri Papaiah was the absolute owner in possession and enjoyment of all that land, among others the land admeasuring Ac.0-21 gts in Sy.No.43 situated in Chandanagar village, Serilingampally Mandal, Rangareddy District. I submit that after the demise of our great-grandfather, Madduri Papaiah, the said land was got mutated in the name of our grandfather Madduri Seethaiah which is evident from Khasra Pahani for the year 1954-1955 and in Chesala Pahani for the years 1955¬1958; Pahanies for the years 1975-76; 1985-86; and 1995-96; Adangal for the years 200-1 and 2003-2004 in which his name was shown in Pattadar/owner/possessor column. 1 submit that ever since the mutation our grandfather had been in absolute possession enjoyment. 6C I submit that after the demise of our grandfather, as our senior father Madduri Sayanna died issueless, the land was mutated in favour of our father, Madduri Papaiah and eversince then he had been in absolute possession and enjoyment of the land without any let or hindrance from any quarter. 6D I submit that on demise of our father on 13-05-2002, we the petitioners herein filed an application for mutation of the names of the petitioners in revenue record and the Mandal Revenue Officer

after conducting due enquiry issued mutation orders for the above land along with the other land which he was holding during his life time. 6E I submit, that the allegation of the respondent No.4 before the respondent No.1, that our great-grandfather had two wives and the name of his first wife is Smt. Madduri Yellarruna is not correct. I submit that our great-grandfather, never married to anybody else except our great-grandmother, Smt.Madduri Lachamma. I submit that the respondent Nos.4 and 5failed to produce any evidence in support of their contention. I submit that the findings recorded by the 2nd respondent and as confirmed by the first respondent are baseless, perverse and without any evidence. However, the respondent No.1 authority on an incorrect appreciation of questions of fact and law erroneously passed order under challenge mechanically without any basis. Aggrieved by which the petitioners are constrained to approach this Hon'ble Court seeking appropriate reliefs. It is not out of place to state here that in the report of the Mandal Revenue Inspector it is clearly mentioned that LRs of the deceased Madduri Seethaiah S/o Late Madduri Papaiah and Madduri Papaiah S/o Late Madduri Seethaiah are the original pattadars of land in in the interest of justice and pass

I.A. NO: 2 OF 2005(WPMP. NO: 19257 OF 2005)

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 all further proceedings in pursuance of the orders dt.5.3.2005 passed by the 1st respondent in Case No.D5/4301/2004, pending disposal of the above writ petition.

I.A. NO: 1 OF 2005(WVMP. NO: 2186 OF 2005)

Between:

1. Ch.Rama Krishna, S/o.Sri Pentaiah, aged about 51 years, Occ: Contractor
2. Sri Bendapudi Sri Krishna, S/o.Satyanarayana, aged about 51 years, Occ: Contractor

Both are R/o.H.No.23-26, Jyotinagar, R.C. Puram Medak District.

...PETITIONERS/RESPONDENTS

AND

1. Madduri Shiva Shanker, S/o.Late Sri M.Papaiah, aged about 37 years, Occ: Agriculture

2. Madduri Radhakrishna, S/o. Late Sri M.Papaiah, aged about 34 years, Occ: Agriculture
3. Smt. M.Shankaramma, W/O: Late Sri M.Papaiah Aged about 56 years, Occ: House Hold
4. M. Urmila, D/o. Late Sri M.Papaiah, aged about 35 years, Occ: House Hold
5. M.Laxmi. D/o. Late Sri M.Papaiah, aged about 30 years, Occ: House Hold
6. M.Vasantha, D/o. Late Sri M.Papaiah, aged about 27 years, Occ: House Hold

All are R/o.H.No.4-31, Chandanagar Village Ranga Reddy District.

...RESPONDENTS/PETITIONERS

7. The Government Of Andhra Pradesh, rep. by its Joint Collector, Ranga Reddy District, Khairatabad, Hyd.
8. The Government of Andhra Pradesh, rep by its, Revenue Divisional Officer, Chevella Division, Ranga Reddy District.
9. The Government of Andhra Pradesh, rep by its, Mandal Revenue Officer, Serilingampally Mandal Ranga Reddy District.

...RESPONDENTS

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 vacate the interim order passed in WPMP No. 9257/2005 in WP No. 15141/2005 dt. 15-7-2005.

Counsel for the Petitioners: SRI B. NALIN KUMAR

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent Nos.4 and 5: SRI D. V.N. ACHARYA

WP NO: 15406 OF 2005

Between:

1. Madduri Shiva Shanker, S/o. Late Sri M. Papaiah, Occ: Agriculture,
2. Madduri Radhakrishna, S/o. Late Sri M. Papaiah, Occ: Agriculture,

Both are R/o.H.No.4-31, Chandanagar Village Ranga Reddy District.

...PETITIONERS

AND

1. The Government of Andhra Pradesh, Rep. by its Joint Collector, Ranga Reddy District, Khairatabd, Hyderabad.

2. The Government of Andhra Pradesh, rep. by its Revenue Divisional Officer, Chevella Division, R.R.District.
3. The Government of Andhra Pradesh, rep. by its Mandal Revenue Officer, Serilingampally Mandal, R.R.District.
4. Smt. K. Satya Sampurna, **(Died as per LR R5),** W/o. K. Madhava Rao, House Hold, R/o. MIG-15, Phase-II, Madinaguda, Miyapur, Hyderabad-500 050.
5. Jetti Vara Lakshmi, W/o. Srinivasa Chowdary, Hindu, aged about 52 years, Occ. House wife, R/o. B 3-36, Amritha Nilayam, MMTS Road, Huda Colony, Hyderabad 500 050.

Respondent No. 5 is brought on record as LR of the deceased Respondent No. 4 as per C.O.dt.12.02.2025 in IA Nos. 1/2018, 2/2022.

...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 a writ order or direction more particularly, one in the nature of Writ of Certiorari, call for the records in Case No.D5/4301/2004 on the file of 1st respondent, and quash the order dt.5.3.2005 passed by 1st respondent in Case No.D5/4300/2004 as illegal, arbitrary and violation of Principles of Natural Justice and against Article -300A of Constitution of India.

I.A. NO: 3 OF 2005(WPMP. NO: 19558 OF 2005)

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 stay all further proceedings in pursuance of the orders dt. 5.3.2005 passed by the 1st respondent in case No.D5/4300/2004.

I.A. NO: 1 OF 2005(WVMP. NO: 2187 OF 2005)

Between:

Smt. K. Satya Sampurna, W/o. K. Madhava Rao, aged about 65 years, House Hold, R/o. MIG-15, Phase-II, Madinaguda, Miyapur, Hyderabad-500 050.

...PETITIONERS/RESPONDENT

AND

1. Madduri Shiva Shanker, S/o. Late Sri M. Papaiah, Occ: Agriculture, R/o.H.No.4-31, Chandanagar Village Ranga Reddy District.

2. Madduri Radhakrishna, S/o. Late Sri M. Papaiah, Occ: Agriculture, R/o.H.No.4-31, Chandanagar Village Ranga Reddy District.

...RESPONENTS/PETITIONERS

3. The Government of Andhra Pradesh, Rep. by its Joint Collector, Ranga Reddy District, Khairatabd, Hyderabad.
4. The Government of Andhra Pradesh, rep. by its Revenue Divisional Officer, Chevella Division, R.R.District.
5. The Government of Andhra Pradesh, rep. by its Mandal Revenue Officer, Serilingampally Mandal, R.R.District.

...RESPONDENTS

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 vacate the interim order passed in WPMP No. 19958/2005 in WP No. 15406/2005 dt. 15-7-2005

Counsel for the Petitioners: SRI K. ARAVIND GOUD

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: SRI K. CHAITANYA
Counsel for the Respondent No.5:----

The Court made the following: ORDER

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION Nos.15141 & 15406 OF 2005
(CNR.Nos.HBHC010213402005 & HBHC010286392005)

DATE OF ORDER:27.10.2026

Reserved on: 30.06.2026

Pronounced on: 27.10.2026
Uploaded on: 28.10.2026

W.P.No.15141 of 2005
Between:

Madduri Shiva Shanker and 5 others

.. Petitioners

And

The Government of Andhra Pradesh, rep.
by its Joint Collector, Ranga Reddy District,
Khairatabad and 4 others

.. Respondents

COMMON ORDER:

W.P.No.15141 of 2005 is filed with the following prayer:

> "...to issue a writ, order or direction more particularly, one in the nature of Writ of Certiorari, call for the records in case No.D5/4301/2004 on the file of 1st respondent, and quash the order dt.5-3-2005 passed by 1st respondent in Case No.D5/4301/2004 as illegal, arbitrary and violation of Principles of natural justice and against Article-300A of Constitution of India, and pass such other order or orders ..."

2. W.P.No.15406 of 2005 is filed with the following prayer:

> "... to issue a writ, order or direction more particularly, one in the nature of Writ of Certiorari, call for the records in Case No.D5/4301/2004 on the file of 1st respondent, and quash the order dt.5-3-2005 passed by 1st respondent in Case

No.D5/4300/2004 as illegal, arbitrary and violation of Principles of Natural Justice and against Article-300A of Constitution of India and pass ..."

3. Heard Ms. Prathyusha Boppanna, learned counsel for petitioners, Mr. G.Umesh, learned counsel appearing for Mr. DVN Acharya, learned counsel for unofficial respondent Nos.4 & 5 and learned Assistant Government Pleader for official respondents.

4. It is submitted by learned counsel for petitioners (in W.P.No.15141 of 2005) that petitioners are absolute owners and possessors of land in Sy.No.43, admeasuring 21 guntas situated at Chandanagar Village, Serilingampally Mandal, Ranga Reddy District. It is further submitted that petitioners inherited the subject property from their father after the demise of their fore-father Madduri Papaiah and succeeded to the property. It is also submitted that they have been in effective possession and enjoyment of the said property without any interruption or hindrance.

4.1. It is submitted by learned counsel for petitioners (in W.P.No.15046 of 2005) that petitioner No.1 and others are absolute owners and possessors of land in Sy.No.43, admeasuring 21 guntas situated at Chandanagar Village,

Serilingampally Mandal, Ranga Reddy District. It is further submitted that petitioners inherited the subject property from their father after the demise of their fore-father Madduri Papaiah and succeeded to the property. It is also submitted that they have been in effective possession and enjoyment of the said property without any interruption or hindrance. In both the writ petitions, challenge is laid to the order of the Joint Collector on similar grounds.

5. For convenience, facts in W.P.No.15141 of 2005 are being referred.

6. It is submitted that they approached respondent No.3 i.e., Mandal Revenue Officer (MRO) for mutation of their names in revenue records by filing an application under ROR Act. That the MRO conducted elaborate enquiry and was pleased to issue mutation proceedings, granted pattadar passbooks and title deeds in their favour vide proceedings No.B/343/2003, dated 13.05.2003.

7. It is submitted that unofficial respondent Nos.4 & 5 tried to interfere with the properties of petitioners, that their father filed a suit bearing OS No.540 of 1995 on the file of learned

Principal Junior Civil Judge, West & South, Ranga Reddy District, seeking perpetual injunction and that the said suit was dismissed. It is pointed out that aggrieved by the judgment and decree passed in OS, petitioners' father preferred an appeal vide A.S.No.94 of 1999 on the file of III Additional District Judge, Fastrack Court, Ranga Reddy District and that the first appeal was also dismissed.

8. It is submitted that during the pendency of appeal suit, respondent Nos.4 & 5 approached the revenue authorities by way of an appeal challenged the mutation proceedings passed by respondent No.3, dated 13.05.2003. That the proceedings of MRO were set aside by respondent No.2 and that an *ex parte* order was passed in File No.C/3921/2003, dated 19.06.2004. It is further submitted that a revision was preferred under Section 9 of Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971. That respondent No.1 herein without verifying the records and without application of mind, passed orders dated 05.03.2005, by considering the order of appellate Court in A.S.No.94 of 1999, dated 18.01.2005.

9. It is submitted that a second appeal was preferred by the unsuccessful appellants (i.e., the petitioners' herein) and was

dismissed by a learned Single Judge of this Court and that a review is pending. Learned counsel requested this Court that review in second appeal be heard along with these writ petitions.

10. Mr. M.S.Chandresh, learned counsel for petitioners in W.P.No.15141 of 2005 (counsel for review petitioners in S.A.No.450 of 2005) tried to impress upon this Court that review I.A.No.2 of 2017 (S.A.M.P.No.805 of 2017) in S.A.No.450 of 2005 be heard.

11. On the other hand, it is the case of the unofficial respondents that petitioners are trying to claim the title to the subject property having lost before all the Forums and are not entitled for any relief. It is also submitted that the order of the Joint Collector does not need interference as it is based on the judgment and decree in A.S.No.94 of 1999, dated 18.01.2005, which stood confirmed by the learned Single Judge in second appeal. It is also pointed out that the Special Court under A.P. Land Grabbing (Prohibition) Act has also held that petitioners in W.P.No.15406 of 2005 to be land grabbers. Hence, the claim of the petitioners being devoid of merits, writ petitions deserves to be dismissed.

12. The present writ petitions are filed challenging the order of Joint Collector dated 05.03.2005, wherein Joint Collector dismissed the revision. It is reflected in the order that A.S.No.94 of 1999 was dismissed and the order of RDO dated 19.06.2004 was well founded.

13. The following is the relevant portion of the order of Joint Collector:

> "The above two cases are common in view of same land and the similar parties are involved in these two cases, therefore are dealt commonly. The brief facts of the case are that one Sri Madduri Seetaiah Pattadar of land in Sy.No.43` extent 0-21 guntas died leaving behind two sons (1).Anjaiah. (2).Papaiah. Anjaiah died issueless and Papaiah died leaving behind his wife, two sons and three daughters as LRs. The wife and daughters submitted no objection through Affidavits to grant succession in respect of the lands in favour of sons of Late Papaiah and accordingly the Mandal Revenue Officer, Serilingampally granted succession. Against these orders two separate appeals were filed before the Revenue Divisional Officer, Chevella Division alongwith a copy of registered sale deed No.729/1964 which shows that one Sri Madduri Venkatswamy S/o Veeraiah had sold an extent of 0-027 guntas of land out of 0-21 guntas in Sy.No.43 of Chandanagar Village to one Smt. Devineni Sampurna W/o D.Sharathchandra Babu the said Smt.D.Sampurna in document No.730/1964 purchased another extent of 0-28 guntas in Sy.No.44 of Chandanagar Village from the Pattadars making a total of 0-35 guntas and made out plots of different sizes. One of such plots an extent of 523 Square Meters in Plot No.A-4 was sold out to Sri K.Gopalakrishnaiah through registered document No.1752/1967. and the said

K.Gopalakrishnaiah gifted the said plot to Smt.K.Satya Sampurna. Similarly, Smt.Devineni Sampurna sold out another plot of an extent of 523 Square Meters in Plot No.A-3 out of the said Sy.Nos.43 and 44 through registered document No.1756/1967 to Sri Papi Reddy Venkateshwar Rao S/o Appalaswamy. In turn the LRs of Sri P.Venkateshwar Rao sold out the said land in two parts through document No.8911/1988 and 8912/1988 to Sri Ch.Ramakrishna and Sri G.Srikrishna. Thus executant of the original sale deed No.729/1964 was no other than one Sri Venkatswamy one of the legal heirs of original Pattadar i.e., Madduri Sayanna. The family tree brought on record shows that Madduri Sayanna was having two wives (1). Yellamma. (2).Laxmamma. Venkatswamy S/o Veeraiah is the grand son of Smt. Yellamma the first wife of original Pattadar and Sri Papaiah S/o Seetaiah is the grand son of Smt.Laxmamma the second of wife of original Pattadar. Sri Venkatswamy got a share of 0-07 guntas in Sy.No.43 under a oral family settlement and sold away his share in the year, 1964 itself. A copy of the order under appeal before the Revenue Divisional Officer, Chevella showed the name of Venkatswamy as Pattadar in respect of Sy.Nos.84 and 89, as such it is evident that he is one of the LRs. of the original Pattadar. The Mandal Revenue Officer, Serilingampally ought to have seen the family tree before passing sanctioning the succession. Therefore, the Revenue Divisional Officer, Chevella Division found that 0-07 guntas sold out by Veeraswamy should have been deleted from the total extent of Sy.No.43 before passing succession order. Further, the Revenue Divisional Officer, Chevella modified the order under appeal to an extent of 0-03 guntas in Sy.No.43 and allowed the appeal. Assailing the same, the present revision is filed.

The matter was taken-up for enquiry and notices issued to both the parties, fixing a date of hearing on 14-09-2004. The matter was posted from time to

time and finally having come up today for consideration, this court made the following

ORDER:

Perused the material papers placed before this court and also verified the lower court records. The counsel for appellant absent. The counsel for respondent absent. Respondent present and submitted a Xerox copy of decree in A.S.No.94 of 1999, Dated: 18-01-2005 passed by the Court Of 3rd Additional District And Sessions Judge, Ranga Reddy District in which the appeal of the petitioners is found devoid of merits and the same is dismissed. Similarly the common order of the Revenue Divisional Officer, Chevella Division, Dated:19-06-2004 in File No.C/3414/2003 and C/3921/2003 is also found to be well founded. In result the revision is dismissed."

14. On a perusal of the Joint Collector's order, it is apparent that in spite of notices to both the parties and a date being fixed for hearing and the matter being posted on many occasions, counsels were absent. It was only then the order was passed by the Joint Collector, taking into consideration the judgment and decree in A.S.No.94 of 1999, dated 18.01.2005 and after considering the order of RDO, dated 19.06.2004.

15. It is observed from the record that petitioners have not succeeded in their attempts before the revenue authorities. They have knocked the doors of the High Court by availing the remedies under law by preferring a second appeal against the

judgment and decree in A.S.No.94 of 1999. The second appeal came to be dismissed by a learned Single Judge of this Court.

16. Petitioners are now setting up a claim that they are in possession of the property and that respondent No.1 has not appreciated the facts on record properly, by placing reliance on the revenue records, writ petitioners have set up a challenge to the order of Joint Collector.

17. Copies of revenue records are pressed into service and reliance is placed on them. I.A.No.1 of 2022 is filed to amend the affidavit by adding paragraph Nos.6A to 6E and copies of revenue records are annexed as documents to the I.A.No.1 of 2022.

18. A counter affidavit is filed by the counsel for respondent No.5 (Smt. Jetty Vara Lakshmi, W/o Jetty Srinivasa Choudary) opposing the amendment on the ground that it is filed after 17 long years and the amendment would cause prejudice to have and the amendment is permitted would go against the finding of Joint Collector and RDO which are based on record. Hence, amendment deserves to be dismissed.

19. Additional material documents are pressed into service by respondent No.5 on 29.06.2026 vide USR No.3 of 2026 i.e., the order of the special Court under AP Land Grabbing (Prohibition) Act, dated 30.06.2009 wherein the petitioner Nos.1 & 2 in W.P.No.15141 of 2005 are appellants and one Kode Satya Sampurna is the respondent in LGA No.10 of 2007 (appellant in LGA No.16 of 2007 is one Kode Satya Sampurna and respondents are petitioner Nos.1 & 2 in W.P.No.15141 of 2005, which is also decided on 30.06.2009). It is observed from the judgment in LGOP No.255 of 2003 filed by Kode Satya Sampurna against Madduri Shiva Shanker and Madduri Radha Krishna, the Special Tribunal held that the petitioner was the absolute owner of Plot No.A4 admeasuring 622 Sq.yards in Sy.Nos.43 & 44 at Chandanagar Village and the respondents were held to be land grabbers.

20. This Court is not inclined to delve into the aspects decided in LGOP and further adjudicated in LGA No.10 of 2007 along with the other LGA i.e., LGA No.16 of 2007. It is observed that LGA No.10 of 2007 filed by Madduri Shiva Shanker and Madduri Radha Krishna was dismissed. LGA No.16 of 2007 filed seeking compensation was dismissed as the Kode Satya Sampurna did

not depose about the aspect of entitlement to compensation in her evidence. The order under challenge before this Court is that of the Joint Collector.

21. It is observed from the record that second appeal arises out of O.S.No.540 of 1995 filed for perpetual injunction in respect of land admeasuring Ac.0.21 guntas of agricultural land in Sy.No.43 at Chandanagar Village, Serilingampally Mandal. Plaintiff was one Mr. Madduru Papaiah and the writ petitions are filed by legal heirs/representatives of Mr. Madduru Papaiah in respect of the very same property, who also continued their battle in the first appeal and the second appeal.

22. The judgment in A.S.No.94 of 1999 was challenged by way of a second appeal bearing S.A.No.450 of 2005, which was dismissed on merits. The contention that order of Joint Collector has considered the judgment in A.S.No.94 of 1999 cannot be found fault with. The order of the Joint Collector was also records that the order of the RDO is well founded. This Court has perused the judgment and decree in A.S.No.94 of 1999 and a judgment in second appeal of the learned Single Judge.

23. It is trite law that when a Court of competent jurisdiction in a second appeal, after considering the judgment and decree in appeal suit and also on the basis of evidence adduced before the trial Courts (in which writ petitioners herein are the appellants), holds that plaintiff was not entitled for the relief of perpetual injunction and that plaintiff failed to establish lawful possession of the plaint schedule property, this Court cannot delve into the aspect of possession being pressed into service on the basis of the revenue records and the challenge to the order.

24. It is also observed from the record that petitioners' father initiated the legal battle in respect of the very same property in another forum by filing a suit bearing O.S.No.540 of 1995 for perpetual injunction (i.e., in respect of land to an extent of Ac.0.21 guntas in Sy.No.43, situated at Serlingampally Mandal, Ranga Reddy District).

25. Pending the suit, the plaintiff died (petitioners' father), writ petitioners continued the legal battle as legal heirs/representatives. The dispute ultimately landed before this Court in the form of a second appeal bearing S.A.No.450 of 2005 and they suffered an order in the second appeal. Legal heirs/representatives of plaintiff Madduru Papaiah, continued

the battle on the different platform, have also challenged the order of Joint Collector in the year 2005 by filing writ petitions. Parallel proceedings in respect of the same property were being pursued although on different grounds.

26. Be that as it may, a learned Single Judge of this Court, vide judgment dated 07.10.2015 dismissed the second appeal and at paragraph No.17, held as follows:

> "17. The law is well settled that the entries in revenue records do not confer or take away the existing title. Therefore, in the light of the evidence and more particularly, the fact that the name of the grandfather of the sole plaintiff is also Papaiah and that he is the ancestor of Venkat Swamy (DW3), the mere mention of the name of Papaiah in the earliest records does not advance the case of the plaintiffs any further. Therefore, the entries in exhibits A1 to A20, the copies of the revenue records, showing the name of either Papaiah or the names of Papaiah and his brother Anjaiah are not by themselves sufficient to come to a safe conclusion that the plaintiff is in exclusive lawful possession of the entire extent of Ac.0.21 guntas, i.e., the suit schedule property, more particularly when the said land, as per the evidence brought out on record, is a fallow land and is not under cultivation even as per the version of PW3, the Village Assistant. Having analyzed the evidence and examined it in juxtaposition with the facts, this Court is satisfied that the courts below are justified in holding that the plaintiff had failed to establish his lawful possession over the entire plaint schedule property and that therefore, the plaintiff is not entitled to a perpetual injunction as prayed for in respect of the entire plaint schedule property and that the findings of the courts below well supported by valid and cogent reasons do not call for any interference in this second appeal."

27. It is apparent from the judgment in the second appeal that plaintiff failed to establish lawful possession over the entire plaint schedule property and was not entitled for perpetual injunction, as prayed for, in respect of the suit schedule property.

28. After the second appeal was dismissed, a review application bearing Review I.A.No.2 of 2017 (S.A.M.P.No.805 of 2017) was filed under Section 114 of C.P.C. and Order 47 and Rule 1, 4 and 5 of C.P.C. for reviewing the judgment and decree dated 07.10.2015 in S.A.No.450 of 2005. A learned Single Judge on 14.11.2018 dismissed the review petition filed and the order is as follows:

> "On 08.11.2018, Sri G. Dhananjai, learned counsel, submitted that the review petitioners have taken away the bundle from him with no objection vakalat and that he is no longer appearing for the review petitioners. On that day, neither the counsel engaged by the petitioners entered appearance nor the petitioners were present before this Court. Hence, this Court directed to post the application on 13.11.2018 under the caption 'for dismissal' by printing the names of the review petitioners in the cause list.
>
> On 13.11.2018, when the matter was listed, the names of the review petitioners were not listed in the cause list. Therefore, this Court directed the Registry to follow the directions in the order, dated 08.11.2018, and list the matter today under the same caption.
>
> Today, despite listing the matter under the same caption after printing the names of the review

petitioners in the cause list, yet again there is no representation for the review petitioners.

Review petitioners are called absent.

In the result, the Review Petition is dismissed for default. As a consequence, SAMP.No.806 of 2017 filed in the review petition shall also stand dismissed.

29. After the dismissal of review petition preferred i.e., I.A.No.2 of 2017, I.A.Nos.1 and 2 of 2023 were filed by the petitioners. It is trite to take note of the order passed in I.A.Nos.1 and 2 of 2023 in S.A.No.450 of 2005 on 10.10.2023, by a learned Single Judge of this Court. The order reads as follows:

"**I.A.No.1 of 2023**

This application is filed to condone the delay of 777 days in resubmitting I.A.Sr.No.97468 of 2018 in I.A.No.2 of 2017 (SAMP Review MP.No.805 of 2017 in S.A.No.450 of 2005).

The reasons mentioned for condonation of delay are not satisfactory. Accordingly, the application is dismissed.

I.A.No.2 of 2023

This application is filed to restore the Review I.A.No.2 of 2017 (S.A.M.P.No.805 of 2017) by setting aside the dismissal order dated 14.11.2018 passed in the Review C.M.P. and to give an opportunity to argue the same.

In view of dismissal of I.A.No.1 of 2023, I.A.No.2 of 2023 is also stands dismissed."

30. In view of dismissal of I.A.No.1 of 2023, which is filed to condone the delay of 777 days in resubmitting I.A.SR.No.97468 of 2018 in I.A.No.2 of 2017, I.A.No.2 of 2023, which was filed to restore the review I.A.No.2 of 2017 (S.A.M.P.No.805 of 2017) was

also dismissed, as such, this Court cannot consider the contentions put forth that review petition be heard.

31. It is trite to extract the relevant paragraphs of the law laid down by the Apex Court in ***Vadiyala Prabhakar Rao v. State of A.P.*** (reported in 2026 SCC OnLine SC 815). The Hon'ble Apex Court summarized the law on revenue entries and their effect on the question of title. The following is the relevant portion of the Hon'ble Apex Court judgment:

> "16. Let us summarise the precedents on Revenue Entries and their legal effect on the question of title:
> 16.1 Entries in Revenue Records or Jamabandi serve only a "fiscal purpose". Their primary function is to enable the person whose name is mutated in the records to pay the land revenue in question.
> 16.2 A Revenue Record is not a document of title and does not confer any ownership or title upon the person whose name appears in it. Further, mutation does not create or extinguish title and has absolutely no presumptive value regarding title.
> 16.3 The mere acceptance of municipal or agricultural taxes, or the granting of a bank loan based on these records, does not stop the State from challenging the ownership of the land.
> 16.4 While they do not prove title, Revenue Records can raise a presumption regarding possession. Maintenance and custody of Revenue Records is the exclusive domain of the Patwari, and it is not uncommon that Revenue Records are often tinkered with by him to suit the exigencies.
> 16.5 Stray or solitary entries recorded for a single year do not raise a presumption of rights and cannot be relied upon against a long, consistent course of revenue entries in favour of another party.
> 16.6 The creation of fabricated records in collusion acts as a camouflage to defeat the legal rights of the

> actual tiller, and the Government is not bound by them."

32. On a perusal of the law laid down by the Hon'ble Apex Court, it is apparent from the contents of paragraph Nos.16.2 and 16.4 that revenue records do not confer any ownership nor they are documents of title. It is also trite to take note of the observation that revenue records can raise a presumption regarding possession.

33. O.S.No.540 of 1995 was filed in respect of land admeasuring Ac.0.21 guntas of agricultural land in Sy.No.43 at Chandanagar Village, Serilingampally Manda, seeking the relief of perpetual injunction. The relief sought by the plaintiff i.e., father of the petitioners herein was negatived and even in the second appeal, the petitioners suffered an order in respect of the subject property.

34. In other words, contentions advanced on behalf of the petitioners' that they are in possession by virtue of the entries in revenue records cannot be countenanced in the light of the judgment in second appeal.

35. Having perused the material on record and having considered the entire factual matrix of the case, this Court is of

the opinion that the order of the Joint Collector does not necessitate interference.

36. This Court neither can ignore nor substitute the finding rendered by the learned Single Judge in the judgment in second appeal which is the competent Court to render a finding on the aspect of possession in a suit filed for perpetual injunction. Any tinkering or observation on the aspect of possession will have an effect on the judgment in second appeal, which is impermissible under law. The relevant portion of the judgment of the second appeal is extracted and is as follows:

> "Having analyzed the evidence and examined it in juxtaposition with the facts, this Court is satisfied that the courts below are justified in holding that the plaintiff had failed to establish his lawful possession over the entire plaint schedule property and that therefore, the plaintiff is not entitled to a perpetual injunction as prayed for in respect of the entire plaint schedule property and that the findings of the courts below well supported by valid and cogent reasons do not call for any interference in this second appeal."

37. On the aspect of the submission advanced that the first respondent has not given any opportunity for advancing the arguments is untenable. In this aspect, it is trite to take note that the respondent No.1 in his order, dated 05.03.2005, recorded as follows:

> "The matter was taken-up for enquiry and notices issued to both the parties, fixing a date of hearing on 14-09-2004. The matter was posted from time to time and finally having come up today for consideration, this court made the following."

38. It is also recorded in the order by the respondent No.1 that the counsel for appellant was absent and counsel for respondent was also absent. It is apparent from the order of the Joint Collector that the counsel for appellant and counsel for respondent were absent and the matter was posted from time to time. Hence, the contention that an opportunity was not granted is devoid of merits. This Court, having perused the material on record, is not inclined to show any indulgence in the contention advanced that no opportunity was granted by respondent No.1.

39. It is observed from the order in LGA No.10 of 2007 that respondent No.5 in W.P.No.15406 of 2005 (Kode Satya Sampurna) was held to be the absolute owner of the subject property which fell for consideration before the Land Grabbing Tribunal and petitioner Nos.1 & 2 were held to be land grabbers.

40. On a perusal of the entire material on record, it is obviously apparent that the dispute pertains to the subject property which is said to have been partitioned into three shares

amongst Venkata Swamy, Anjaiah and Papaiah and they were enjoying their shares. Papaiah is the plaintiff in the suit who was sought the relief of perpetual injunction against defendants (defendants are respondents in this writ petition bearing No.15141 of 2005), after the dismissal of the suit, an appeal was preferred and on the death of the plaintiff, the petitioners who are the legal heirs/representatives continued the battle. In the second appeal, respondent Nos.4 & 5 in this writ petition are arrayed as respondents i.e., Ch.Ramakrishna and Bendapudi Srikrishna (K.Arjun Kumar is also arrayed as a respondent in the second appeal).

41. On a conspectus of the entire facts, it is apparent that the dispute is in respect of the title to the subject property being claimed by the parties herein in these writ petitions and the same needs to be adjudicated by a competent Court.

42. The Hon'ble Apex Court in ***Sohan Lal v. Union of India*** (reported in (1957) 1 SCC 439) held that proceedings under Article 226 of the Constitution of India are not the appropriate forum for resolving serious disputes concerning questions of fact and title to property. Investigating these claims is the proper function of a Civil Court in a regularly constituted suit, rather

than of a Court exercising the prerogative to issue writs. Parties are at liberty to invoke remedies as available under law.

43. For reasons aforesaid, writ petitions stand disposed of. No order as to costs.

SD/- C.DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Joint Collector, The Government Of Andhra Pradesh, Ranga Reddy District, Khairatabad, Hyd.
2. The Revenue Divisional Officer, The Government of Andhra Pradesh, Chevella Division, Ranga Reddy District.
3. The Mandal Revenue Officer, The Government of Andhra Pradesh, Serilingampally Mandal Ranga Reddy District.
4. One CC to Sri B. Nalin Kumar, Advocate[OPUC]
5. One CC to Sri K. Aravind Goud, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana, at Hyderabad [OUT]
7. One CC to Sri D.V.N. Acharya, Advocate[OPUC]
8. One CC to Sri K. Chaitanya, Advocate [OPUC]
9. Two CD Copies

TJ
PB

HIGH COURT

DATED: 27/10/2026



ORDER

WP.Nos.15141 AND 15406 OF 2005

DISPOSING OF THE WRIT PETITONS

WITHOUT COSTS

(11)
T.P
06/11/26