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

FRIDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION NO: 23907 OF 2013

Between:

Smt.Karike Niruparani, W/o K.Satyanarayana, Occ: House wife, R/o H.No.11-100, Srinivasa Colony, Ramachandrapuram village and mandal, Medak District.

...PETITIONER

AND

1. The Government of A.P, rep.by, its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Joint Collector, Medak District at Sangareddy.
3. The Tahsildar, Patancheru Mandal, Medak District.
4. Jagariamudi Venkata Subba Rao, S/o late Radhakrishna Murthy, occ Business, R/o Rachapudi, post Addanki, Kousapadu mandal, Prakasham District.
5. Lagula Manohar, S/o. Jangaiah, R/o Nandigama village, Patancheru mandal, Medak District.
6. L.Bheemaiah, S/o Jangaiah, R/o Nandigama village, Patancheru mandal, Medak District.
7. L.Ramulu, S/o Jangaiah, R/o Nandigama village, Patancheru mandal, Medak District.
8. L.Laxman, S/o Jangaiah, R/o H.No.1-62, Nandigama village, Patancheru Mandal, Medak District.
9. Smt.Mujahithipuram Pushpamma, W/o Yadaiah, R/o H.No.1-141, Lingampally, Ranga Reddy District.
10. K.Amruthamma, W/o Mogulapa, R/o H.No.2-26, Damarched village, Basheerabad. mandal, Ranga Reddy District.
11. Aliva Prabhavathi, W/o A.Yadagiri, R/o H.No.2-26, Damarched village, Basheerabad mandal, Ranga Reddy District.

    (respondents 5 to 11 are not necessary parties and are rep.by their GPA holder i.e., respondent No.4)

12. Yellagoni Pentamma, W/o Yadaiah, R/o Nandigama village, Patancheru manda', Medak District.

13. Chakali Satyanarayana, S/o Pentaiah, R/o Nandigama village, Patancheru mandal, Medak District.

14. Chakali Laxminarayana, S/o Pentaiah, R/o Nandigama village, Patancheru mandal, Medak District.

15. Chakali Mallesham, S/o Satyanarayana, R/o Nandigama village, Patancheru mandal, Medak District.

16. Ramineni Shekar Saibaba, S/o Veeraiah, R/o Nandigama village, Patancheru mandal 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 Mandamus declaring the impugned proceeding No.F3/4770/2008-F3/42/ROR/2008 dated 22.5.2009 passed by the 2nd respondent as illegal, arbitrary, without jurisdiction and consequently direct the 3rd respondent to re-enter the name of the petitioner in the revenue records.

IA NO: 1 OF 2025

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 expedite the hearing of the W.P. No, 23907 of 2013 by fixing an early date for final hearing, and pass such other order

Counsel for the Petitioner: SRI CH. VIDYASAGAR RAO, SENIOR COUNSEL REPRESENTING SRI PALLE SRIHARINATH

Counsel for the Respondents No.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: SRI V. RAVI KIRAN RAO, SENIOR COUNSEL APPEARING FOR SRI JAYARAJ JOEL BABU RAIDU

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.23907 of 2013

DATE: 27.02.2026

BETWEEN:

Karike Niruparani

....Petitioner

AND

The Government of Andhra Pradesh represented by its Principal Secretary, Revenue Department and 15 others.

....Respondents

ORDER

Heard Sri Ch.Vidyasagar Rao, learned Senior Counsel representing Sri Palle Sriharinath, learned counsel for the petitioner; learned Government Pleader for Revenue for the official respondents and Sri V.Ravi Kiran Rao, learned Senior Counsel appearing for Sri Jayaraj Joel Babu Raidu, learned counsel for respondent No.4 and perused the record.

2. This writ petition is filed under Article 226 of the Constitution of India, with the following prayer:-

> *"...to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the impugned proceeding No.F3/4770/2008-F3/42/ROR/2008 dated 22.5.2009 passed by the 2nd respondent as illegal, arbitrary, without jurisdiction and*

consequently direct the 3rd respondent to re-enter the name of the petitioner in the revenue records and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice."

3. The *lis* pertains to agricultural land admeasuring Ac.6.13 Gts in Sy No. 256 of Nandigama Village, Patancheru Mandal, Medak District. The petitioner claims to have purchased an extent of Ac.2.08 Gts out of the said survey number from respondent Nos.13 and 14 *vide* registered sale deed dated 25.03.2004. The 4th respondent claims rights over the entire extent of Ac.6.13 Gts in Sy No.256 based on a registered General Power of Attorney-cum-Agreement of Sale dated 30.08.2007 executed in his favour by respondent Nos. 5 to 11, who claim to be the legal heirs of the original protected tenant, late Lagula Swamy.

Factual matrix (in brief)

4. The present writ petition emanates from protracted dispute concerning agricultural lands in Sy.Nos.251, 252 and 256 of Nandigama Village, under the provisions of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, 'the Tenancy Act'), and subsequent revenue adjudications. The essential facts, stated in their chronological sequence, are delineated hereunder:

i) Originally, one Bhooma Goud was the protected tenant of the subject lands. Upon his demise, his sole son, Lagula Swamy, succeeded to the tenancy rights by virtue of Section 40 of the Tenancy Act. Thereafter, the competent authority granted a certificate under Section 38-E of the Tenancy Act in favour of Lagula Swamy on 14.05.1985, conferring ownership rights, and his name was accordingly mutated in the revenue records as pattadar and possessor.

ii) It is the case on record that certain sale transactions were allegedly executed in the year 1973 by Lagula Swamy in favour of Yellagoni Pentamma and the predecessors of respondent Nos.13 and 14. These transactions are stated to have been unregistered and on plain paper, and to have preceded the grant of the Section 38-E certificate.

iii) On the strength of such alleged documents, the Mandal Revenue Officer (MRO), Patancheru, issued certificates under Section 13-B on 29.09.1994 in File Nos.F/3897/1994 and F/3896/1994, recognising rights in favour of the said purchasers to an extent of Ac.1.00 in Sy. No.256 and Ac.5.13 Gts respectively.

iv) Lagula Swamy is stated to have died leaving behind two wives namely; Gangamma and Basamma and four

daughters through Basamma, who are arrayed as respondent Nos.5 to 11.

v) On 30.08.2007, the said legal heirs executed a registered General Power of Attorney-cum-Agreement of Sale with possession in favour of the 4th respondent in respect of the entire extent of Ac.6.13 Gts in Sy.No.256.

vi) Subsequently, in the year 2008, respondent Nos.5 to 11, represented by their GPA holder (4th respondent), preferred a revision before the Joint Collector under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act,1971 (for short '1971 Act') challenging the validity of the 13-B certificates dated 29.09.1994.

vii) It was asserted in the revision proceedings that the alleged transactions of the year 1973 were legally unsustainable, as Lagula Swamy was, at the relevant point of time, only a protected tenant and therefore not vested with transferable title. It was also placed on record that subsequent to the issuance of the certificate under Section 38-E on 14.05.1985, the statute imposed a prohibition on alienation for a period of eight years under Section 48-A of the Tenancy Act. The notices issued to the concerned parties were returned with the endorsement

'refused', and they were accordingly proceeded against *ex parte*.

viii) By order dated 22.05.2009, the Joint Collector allowed the revision, holding that the alleged sale transactions of 1973 were devoid of legal validity and that the 13-B certificates issued in 1994 were unsustainable in law. The Joint Collector accordingly set aside the said certificates and directed mutation of the revenue records in favour of the GPA holder-cum-agreement holder, i.e., the 4th respondent, in respect of the entire extent in Sy.No.256.

ix) In the interregnum, the present petitioner had purchased an extent of Ac.2.08 Gts out of Sy.No.256 from respondent Nos.13 and 14 under a registered sale deed dated 25.03.2004. Pursuant thereto, a Pattadar Pass Book and Title Deed were issued in her favour on 22.03.2005 and her name was entered in the revenue records.

x) It is asserted that the petitioner became aware of the Joint Collector's order dated 22.05.2009 only on 25.07.2013, when certain persons allegedly interfered with her possession claiming rights under the said order. On enquiry, petitioner was informed that the revenue entries

had been altered for the year 2012-13 in favour of the 16th respondent on the basis of the impugned order.

xi) Aggrieved thereby, petitioner instituted the present writ petition seeking to assail the order of the Joint Collector and for consequential directions to restore her name in the revenue records.

Submissions on behalf of the petitioner

5. Learned counsel for the petitioner assailed the impugned order dated 22.05.2009 and has advanced his submissions as under:

i) That the 2nd respondent-Joint Collector lacked jurisdiction to entertain a revision under Section 9 of the 1971 Act, for the purpose of setting aside a certificate issued under the provisions of the Tenancy Act. The revisional power under Section 9 of the 1971 Act is confined to orders passed under Sections 3, 5, 5-A or 5-B thereof, and does not extend to adjudicating upon the validity of a 13-B certificate issued under the Tenancy Act. The impugned order was therefore stated to be without jurisdiction and void.

ii) That the petitioner, having purchased the subject property under a registered sale deed dated

25.03.2004 and having been issued a Pattadar Pass Book and Title Deed on 22.03.2005, was a necessary and proper party to the revision proceedings.

iii) That failure to implead the petitioner and afford an opportunity of hearing was alleged to be violative of the principles of natural justice. It was also urged that the revision petition itself, having been filed in the year 2008 challenging certificates issued in 1994, suffered from inordinate delay and ought not to have been entertained.

iv) That the petitioner is a *bona fide* purchaser for valuable consideration, who acted on the basis of subsisting revenue entries and 13-B certificates standing in the names of her vendors.

v) That the petitioner's rights had crystallised and ought not to have been unsettled by the impugned order on the basis of Pattadar Pass Book and subsequent Pahanies reflecting her possession.

Submissions on behalf of respondent No.4

6. Learned Senior Counsel appearing for respondent No.4, supported the impugned order and submitted as under:

i) That the foundational document of title is the certificate issued under Section 38-E of the Tenancy Act on 14.05.1985 in favour of late Lagula Swamy. Upon his demise, his legal heirs (respondent Nos.5 to 11) succeeded to the property. The alleged alienations of the year 1973, which formed the basis for issuance of 13-B certificates in 1994, were stated to be legally untenable.

ii) That at the time of the alleged sale in 1973, Lagula Swamy was only a protected tenant and had no transferable title. Ownership rights were conferred only upon issuance of the 38-E certificate in 1985. Moreover, Section 48-A of the Tenancy Act imposed a statutory embargo on alienation for a period of eight years thereafter. Any transaction in contravention of the said provision was asserted to be void. Consequently, the 13-B certificates, having been founded upon such transactions, were liable to be annulled.

iii) That the revisional jurisdiction under Section 9 of the 1971 Act empowers the Joint Collector to examine the legality and correctness of entries in the Record of Rights. Where the foundational document for mutation

is void or *non-est*, the revisional authority is competent to set aside such entries to prevent perpetuation of illegality in the revenue records.

iv) That no title can pass from a person who has none, and the petitioner's vendors, deriving title from a void transaction, could not convey any lawful interest, thus petitioner cannot claim as a *bona fide* purchaser.

v) That the writ petition was also stated to be liable for dismissal on the ground of delay, as the impugned order was passed in 2009 whereas the writ petition was instituted in 2013.

Submissions on behalf of respondent Nos.1 to 3

7. Learned Government Pleader for Revenue (Telangana Area) supported the impugned order and submitted as under:

i) That the Joint Collector had exercised his revisional jurisdiction in accordance with law.

ii) That the 13-B certificates were issued without proper authority and on the basis of transactions lacking legal validity. The Joint Collector, upon examination of the relevant records and statutory provisions, set aside the said certificates and directed correction of the revenue entries.

iii) That the impugned order is reasoned and within the scope of statutory powers, and does not warrant interference in exercise of jurisdiction under Article 226 of the Constitution of India.

8. I have taken note of the respective submissions urged and the material on record, including the proceedings before the revenue authorities, the impugned order dated 22.05.2009, and the other connected documents and perused the record.

Consideration by this Court

9. In the present case, it is apposite to remind oneself of the contours of jurisdiction under Article 226 of the Constitution of India. This Court does not sit in appeal over findings recorded by a quasi-judicial authority. Interference is warranted only where the impugned order is vitiated by jurisdictional error, patent error of law apparent on the face of the record, perversity, or violation of principles of natural justice. Re-appreciation of evidence or substitution of this Court's view for that of the statutory authority is impermissible within the limited compass of judicial review.

Jurisdiction of the Joint Collector under Section 9 of the 1971 Act

10. The core *lis* that arises for consideration pertains to the competence of the Joint Collector to examine the validity of a

13-B certificate issued under the Tenancy Act while exercising revisional jurisdiction under Section 9 of the 1971 Act.

11. Section 9 of the 1971 Act empowers the District Collector to call for and examine records relating to orders passed under Sections 3, 5, 5-A or 5-B of the 1971 Act for the purpose of satisfying himself as to their legality or propriety. These provisions relate to preparation and maintenance of record of rights and mutation entries.

12. It is well-settled that a 13-B certificate originates under the Tenancy Act. However, in the present case, the revision before the Joint Collector was directed against mutation entries in the revenue records, which were admittedly founded upon the 13-B certificates issued in 1994. Thus, the revisional authority was called upon to examine the legality of entries made in the record of rights.

13. It is apposite to observe that where mutation entries are founded upon a document alleged to be void or lacking legal sanctity, the authority vested with supervisory jurisdiction over revenue records cannot be rendered *functus officio* in examining the validity of such foundational document, to the limited extent necessary to assess the legality of the consequential entries. In the present case, the Joint Collector did not embark upon an independent determination of tenancy rights; he confined

himself to examining whether the mutation entries could be sustained in law if the underlying transaction itself was devoid of legal effect. Therefore, the exercise undertaken by the Joint Collector cannot be characterised as one beyond the scope of Section 9 of the 1971 Act.

Alleged Violation of Natural Justice

14. In the instant case, it is undisputed that the petitioner was not arrayed as a party to the revision proceedings. However, the record discloses that notices were issued to the then recorded pattadars, which were returned with the endorsement 'refused', and they were accordingly set *ex parte*.

15. It is to be noted that the petitioner claims to have purchased the property in 2004 from respondent Nos.13 and 14, whose names were reflected in the revenue records on the strength of the 13-B certificates. The question, therefore, is whether the petitioner had acquired such a vested and independent right as would render the impugned order void for non-impleadment. As already observed, the title of respondent Nos.13 and 14 was wholly traceable to the alleged alienations of 1973 and the consequential 13-B certificates. If the foundational transaction itself lacked legal validity, any derivative claim flowing therefrom cannot confer a superior or independent right upon the petitioner. In such circumstances,

mere non-impleadment would not, by itself, render the impugned order void, particularly in the absence of demonstrable prejudice or infringement of a legally sustainable right.

Validity of the Petitioner's Title

16. A perusal of the record reflects that late Lagula Swamy was granted ownership rights under Section 38-E of the Tenancy Act only on 14.05.1985. Prior thereto, he was a protected tenant.

17. It is trite law that under the scheme of the Tenancy Act, a protected tenant does not possess absolute ownership rights prior to conferment of ownership under Section 38-E. Furthermore, Section 48-A of the Tenancy Act imposes a statutory prohibition on alienation for a period of eight years from the date of issuance of the ownership certificate.

18. In the present case, the alleged alienation is of the year 1973, i.e., prior to conferment of ownership in 1985. *Prima facie*, such transaction could not have conveyed valid title. The 13-B certificates issued in 1994 were founded upon the said alleged transaction. If the underlying sale itself lacked legal efficacy, any derivative rights flowing therefrom would necessarily be unsustainable.

19. Furthermore, the petitioner's purchase in 2004 was from respondent Nos.13 and 14, who derived their claim solely from the 13-B certificates. It is well settled that a transferee cannot acquire better title than that possessed by his transferor. The plea of *bona fide* purchase, though equitable in character, cannot override statutory prohibitions or validate a transaction that is void in law.

20. The Pattadar Pass Book and revenue entries relied upon by the petitioner are fiscal records and do not, by themselves, confer title. They merely reflect possession or entries made for revenue purposes. In the absence of a valid root of title, such entries cannot create or perfect ownership.

Delay and laches

21. At this juncture, it is relevant to note that the impugned order was passed on 22.05.2009, whereas the writ petition was instituted in 2013. The petitioner states that knowledge of the order was acquired only in July 2013. While the explanation may not be entirely convincing, it is evident that the writ petition was filed soon after the asserted date of knowledge.

22. On the other hand, the revision before the Joint Collector was filed in 2008 challenging certificates issued in 1994. The revisional authority accepted the explanation of knowledge and proceeded to examine the legality of the certificates, particularly

in view of the allegation that the underlying transaction was void. It is settled that a void transaction does not acquire validity by lapse of time, and the authority was justified in examining the matter on merits. The revisional authority therefore cannot be faulted. Thus, no ground is made out for interference under Article 226 of the Constitution of India.

Conclusion

23. For the foregoing reasons, this Court is of the considered view that the impugned order dated 22.05.2009 passed by the Joint Collector, Medak district, does not suffer from any illegality, perversity, or jurisdictional infirmity warranting interference under Article 226 of the Constitution of India. The said order correctly held that the alleged 1973 transaction was legally untenable and that the 13-B certificates issued in 1994 were unsustainable. The consequential direction to rectify the revenue entries in favour of the 4th respondent, claiming through the legal heirs of late Lagula Swamy, is therefore, unassailable.

24. It is also noted that the interim order granted on 14.08.2013 in W.P.M.P.No.29387 of 2013 has continued for a considerable length of time and has become absolute on

29.02.2024. Continuance of such interim protection, in the absence of any sustainable ground, cannot be justified.

25. Accordingly, the Writ Petition is dismissed. The order dated 22.05.2009 passed by the Joint Collector, Medak District, is affirmed. The interim order dated 14.08.2013 in W.P.M.P.No.29387 of 2013, which was made absolute on 29.02.2024, is hereby vacated.

Consequently, miscellaneous petitions pending if any shall stand closed. No order as to costs.

Sd/- P. PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

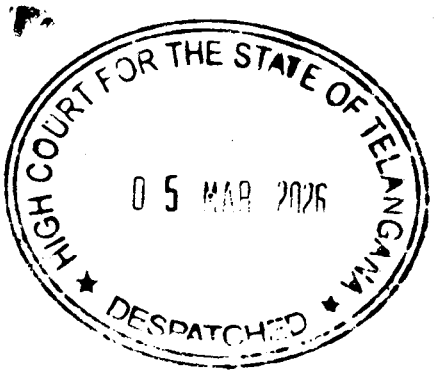
To

1. One CC to SRI PALLE SRIHARINATH, Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to SRI JAYARAJ JOEL BABU RAIDU, Advocate [OPUC]
4. Two CD Copies

MP.

HIGH COURT

DATED:27/02/2026



ORDER

WP.No.23907 of 2013

DISMISSING THE WRIT PETITION WITHOUT COSTS

5/3/26