

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI**

WRIT APPEAL NO: 888 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 02/05/2024, Passed in W.P. No. 30193 of 2023 on the file of the High Court.

Between:

1. Debbad Pushpavati, W/o. Late Debbad Visweshwar Rao, Aged 83 years, House wife, R/o. H.No.5-9-30/1/10, Road No.2, Basheerbagh, Hyderabad.
2. Debbad Vinay Kumar, S/o. Late Debbad Visweshwar Rao, Aged 60 years, R/o. H.No.5-9-30/1/10, Road No.2, Basheerbagh, Hyderabad.
3. Debbad Raj Kumar, S/o. Late Debbad Visweshwar Rao, Aged 59 years, R/o. H.No.5-9-30/1/10, Road No.2, Basheerbagh, Hyderabad.
4. Debbad Vijay Kumar, S/o. Late Debbad Srinandan Rao, Aged 58 years, Business, R/o. Plot No.254, H.No.8-2-283/B/3G, Road No.3, Banjara Hills, Hyderabad.
5. Debbad Vijaya Lakshmi, D/o. Late Debbad Srinandan Rao, Aged 57 years, House wife, R/o. H.No.5-9-30/1/10, Road No.2, Basheerbagh, Hyderabad. Appellants 1 to 5 are rep. by their GPA holder Sri Linga Jaya Reddy, Aged 64 years, Business, R/o. Villa No.702/A, Istana Homes, Gandipet, Ranga Reddy District
6. Linga Jaya Reddy, S/o. Late Sri Raghava Reddy, Aged 63 years, Business, R/o. Villa No.102/A, Istana Homes, Gandipet, Ranga Reddy District.

...APPELLANT

AND

1. Rock Hills Realty Private Limited, Registered under the Companies Act, 2013, having its Office at H.No.35-5-109, Villa No.35, Whisper Valley, Raidurg, Serilingampally, Hyderabad, Rep. by its Authorized Signatory Venkata Naga Ganga Aditya Tirupathi, S/o. Surya Prakash Rao, Aged about 36 years, R/o. Guntur, Hyderabad.
2. The State of Telangana, Rep. by its Secretary (Revenue), Secretariat, Hyderabad.
3. The District Collector, Ranga Reddy District, Kongara Kalan, Ibrahimpatnam, Ranga Reddy District.
4. The Revenue Divisional Officer, Rajendranagar, Ranga Reddy District.

5. The Tahsildar, Rajendranagar Mandal, Rajendranagar, Ranga Reddy District.
6. Blueprint Projects LLP, Having its office at Plot No. 43, Jayabheri Pine Valley, Gachibowli Hyderabad, Rep by its Authorized Signatory, PatiballaVenkata Naga Raja Gopal S/o. Late. Sri. Durga Prasad
7. Sri Sai Infra. Having its office at 4-1/B/2, Khanapur, Narsingi Municipality, Rep by its Partner and Authorized Signatory Mr. B.Aga Reddy S/o. Late.Sri.B.Gopal Reddy

...RESPONDENTS

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant interim suspension of the orders dt. 02/05/2024 passed in W.F.No 30193 of 2023, pending disposal of the Writ Appeal

Counsel for the Appellants: SRI E.MADAN MOHAN RAO FOR SRI. BHARATH REDDY BOMMINENI

Counsel for the Respondent No.1: SRI D JAGAN MOHAN REDDY

**Counsel for the Respondent NOs.2 to 5: SRI MURALIDHAR REDDY KATRAM
GP FOR REVENUE**

Counsel for the Respondent NOs.6&7: ---

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

Writ Appeal No.888 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. E.Madan Mohan Rao, learned Senior Counsel appears for Mr. B.Bharath Reddy, learned counsel for the appellants.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue appears for respondents No.2 to 5.

2. Heard on the question of admission.

3. This intra court appeal is directed against order dated 02.05.2024, passed by a learned Single Judge in writ petition filed by respondent No.1 herein *viz.*, W.P.No.30193 of 2023, by which order dated 06.10.2023 passed by the District Collector, Ranga Reddy District at

Kongara Kalan (respondent No.3), granting succession certificate in favour of the appellants, has been set aside and liberty has been granted to the appellants to approach the competent civil court to challenge the sale deed dated 19.10.2022 executed in favour of the writ petitioner. In order to appreciate the grievance of the appellants, relevant facts need mention, which are stated infra.

4. Respondent No.1 claims to have purchased *vide* registered sale deed dated 19.10.2022, land admeasuring Acs.40.08 guntas in Survey Nos.301 (Part), 302, 303 and 304 (Part situated at Budvel Village, Rajendranagar Mandal, Ranga Reddy District (briefly 'the subject land' hereinafter), which initially belonged to one Debbad Narayana, Debbad Vishweshwar Rao, Debbad Srinandan Rao, Sriram Chandrashekar and Tadmalle Narasimha Rao (hereinafter referred to as 'the original owners'). The

aforesaid original owners entered into an agreement of sale, on 19.03.1994, in respect of land admeasuring Acs.127.29 guntas forming part of Survey Nos.301 (Part), 302, 303, 304, 305, 306, 307, 308 and 309 situated at Budvel Village, Rajendranagar Mandal, Ranga Reddy District with one Smt. K.Vijayalakshmi, Smt. K.Sujatha Reddy, Smt. Veeramreddy Anjamma, Smt. Kamireddy Geetha Reddy, Smt. Mudi Laithamma and Smt. Vaddireddy Ramadevi. The agreement holders also agreed to exclude an extent of Acs.12.00 guntas out of the aforesaid land for roads and passages.

5. In terms of the aforesaid agreement of sale dated 19.03.1994, purchasers formed into two independent branches whereunder Acs.40.08 guntas fell to the share of Smt. K.Sujatha Reddy and Smt.K.Geetha Reddy (hereinafter referred to as Branch-I), who are stated

to be vendors of the writ petitioner. The remaining land fell to the share of Smt. Karnati Vijayalakshmi, Smt. Veeramreddy Anjamma, Smt. Mudi Lalithamma and Smt. Vaddirreddy Ramadevi (hereinafter referred to as Branch-II).

6. The members of Branch-I have executed General Power of Attorney, on 30.04.1994, in favour of Smt. K.Sujatha Reddy in respect of Acs.65.29 guntas and the members of Branch-II have executed General Power of Attorney, on 28.03.1995, in favour of Smt. Karnati Vijayalakshmi in respect of Acs.50.00 guntas.

7. Subsequently, Smt. K.Sujatha Reddy and Smt. K.Goetha Reddy (Branch-I), representing the original owners, have entered into agreements of sale, on 26.03.1997 and 27.03.1997, in respect of lands admeasuring Acs.38.15 guntas and Ac.1.33 guntas

respectively with M/s. Hyderabad Potteries Private Limited. However, according to the writ petitioner, as M/s. Hyderabad Potteries did not fulfill the terms and conditions of the agreements of sale, the sale deeds could not be executed in its favour. In respect of the remaining extent of Acs.75.21 guntas of land, which fell to the share of Branch-II, the same was alienated by Branch-II *vide* various sale deeds executed in favour of several persons.

8. M/s. Hyderabad Potteries Limited filed a suit for specific performance of agreements of sale dated 26.03.1997 and 27.03.1997 against the original owners and holders of the agreements of sale *viz.*, O.S.No.88 of 2002 before the II Additional District Judge's Court, Ranga Reddy District at L.B.Nagar (hereinafter referred to as 'the trial court'). The aforesaid suit was dismissed *vide* judgment and decree

dated 12.11.2010. However, on appeal by M/s. Hyderabad Potteries Limited, the said judgment was set aside *vide* judgment dated 23.04.2021 in A.S.No.998 of 2010. The vendors of the writ petitioner thereupon filed Civil Appeal No.5822-5824 of 2022 before the Supreme Court. The Supreme Court, by order dated 25.08.2022, allowed the Civil Appeal and confirmed the order dated 12.11.2010, passed by the trial court dismissing the suit for specific performance of agreements of sale.

9. During the pendency of A.S.No.998 of 2010, the appellate Court had vacated interim order dated 01.03.2011, by which the vendors of the writ petitioner were permitted to alienate the property. Aggrieved by the aforesaid order, S.L.P.(civil). No.2916-2917 of 2020 was preferred before the Supreme

Court, which was dismissed by the Supreme Court *vide* order dated 03.02.2020.

10. Subsequently, the vendors of the writ petitioner approached the registering authorities for the purpose of executing sale deed in favour of the writ petitioner but they were informed that unless the revenue records are updated indicating the Principals of vendors of the writ petitioner as land owners/pattadars, sale deeds cannot be registered. Thereupon, the vendors of the writ petitioner filed W.P.No.13334 of 2020, which was disposed of by a learned Single Judge, by order dated 28.08.2020, directing the Sub-Registrar, Rajendranagar to receive, process, register and release the document presented by the petitioners therein without reference to the remarks that civil cases are pending. Pursuant to the aforesaid order dated 28.08.2020, the Sub-Registrar, Rajendranagar,

addressed letter dated 03.11.2020 to vendors of the writ petitioner asking them to submit the required documents and answer the objection petition filed by the Managing Director of one Siddam Shetty Infra Projects Private Limited (earlier known as M/s. Hyderabad Potteries Private Limited). The vendors of the writ petitioner, therefore, executed an agreement of sale dated 05.12.2017 in favour of the writ petitioner. Thereafter, the writ petitioner presented a sale deed for registration before the Sub-Registrar. However, he refused to register the same on the ground that the subject land is an agricultural land and Sub-Registrar is not empowered to register a transaction in respect of agricultural land. Being aggrieved by the aforesaid action of the Sub-Registrar, the vendors of the writ petitioner filed W.P.No.37306 of 2022, in which a direction was sought to the registering authority to receive process, register and release the sale deed

presented by them. Learned Single Judge passed an interim order dated 27.09.2022 directing the registering authority to register the sale deed. However, it was directed that by virtue of registration of sale deed, no equities in favour of the petitioners therein shall be created and the registration of sale deed shall be subject to outcome of the writ petition. Thereupon, the registering authority has registered the sale deed dated 19.10.2022. On the strength of the aforesaid sale deed, the writ petitioner claims title in respect of the subject land admeasuring Acs.40.08 guntas. Respondents No.5 to 9 claiming themselves to be legal heirs of Debbad family/original owners, filed an application under Section 6 of Telangana Rights in Land and Pattadar Pass Books Act, 2020 (for short 'the Act') seeking succession. The writ petitioner thereupon submitted a representation/objection petition dated 06.06.2023 to the

District Collector, not to pass any final order on the application submitted by respondents No.5 to 9 without issuing any notice to the writ petitioner. The writ petitioner has also filed a writ petition *viz.*, W.P.No.14639 of 2023, in which a learned Single Judge passed interim order dated 13.06.2023 directing the official respondents to consider the representation/objections dated 06.06.2023, submitted by the writ petitioner before conducting an enquiry on the application submitted by respondents No.5 to 9 under Section 6 of the Act. The District Collector, by order dated 06.10.2023 *inter alia* held that the sale deed executed in favour of the writ petitioner is void and inoperative as the same was executed by General Power of Attorney after the death of the principal. It was further held that Sub-Registrar had no authority to register the sale deed as the Tahsildar is the competent authority to register the sale deed in respect of

the subject land, which is an agricultural land. The District Collector, therefore, by order dated 06.10.2023, allowed the application filed by respondents No.5 to 9 under Section 6 of the Act.

11. Thereupon, the writ petitioner challenged the aforesaid order in W.P.No.30193 of 2023 and the learned Single Judge, by the impugned order dated 02.05.2024 *inter alia* held that the question of title cannot be adjudicated by a Collector in a proceeding under Section 6 of the Act. It was further held that in a proceeding under Section 6 of the Act, the District Collector has virtually decided the title of respondents No.5 to 9 in respect of the subject land. Accordingly, the learned Single Judge has set aside the order dated 06.10.2023 passed by the District Collector and granted liberty to respondents No.5 to 9 *i.e.*, the appellants herein to approach the competent civil

Court to challenge the sale deed dated 19.10.2022 executed in favour of the writ petitioner. In the aforesaid factual background, this intra court appeal has been filed.

12. Learned Senior Counsel for the appellants submitted that the learned Single Judge ought to have appreciated that *prima facie*, the sale deed dated 19.10.2022 executed in favour of the writ petitioner was a fraudulent document and vendors of the writ petitioner had no right to transfer title in respect of the subject land to the writ petitioner as the principal had died and thereafter, the power of attorney had executed the sale deed. It is further submitted that the learned Single Judge ought to have appreciated that Sub-Registrar had no authority to execute the sale deed in favour of the writ petitioner as the subject land is an agricultural land. In any case, the learned Single Judge ought to have appreciated that the validity of sale

deed dated 19.10.2022 executed in favour of the writ petitioner is pending consideration in W.P.No.37306 of 2022. Learned Senior Counsel has taken us through the order passed by the District Collector and had submitted that the District Collector has only recorded the observations and not the findings with regard to validity of the sale deed dated 19.10.2022. It is further submitted that in case a statutory right is violated, the jurisdiction of this Court under Article 226 of the Constitution of India can be invoked. It is urged that since the sale deed dated 19.10.2022 is null and void, it is not necessary for the appellants to challenge the validity of the aforesaid sale deed. It is contended that the impugned order be set aside and the appeal be allowed.

13. We have considered the submissions made by learned Senior Counsel for the appellants and have perused the record.

14. Before proceeding further, it is apposite to take note of Section 6 of the Act. Section 6 of the Act is extracted below for the facility of reference:

6. Effecting Change in Record of Rights when acquired the right over the land through succession, survivorship, inheritance.

(1) Any person or persons, who acquire rights over land through succession, survivorship, inheritance and seeking to effect change in Record of Rights, after arriving at consensus among all the legal heirs on the manner of division of the land among themselves, shall make an application, enclosing the joint agreement specifying individual shares, to the Tahsildar through the website prescribed for this purpose, for allotting available date and time as per the

convenience of the persons to appear before the Tahsildar.

(2) When persons of a family seek change of Record of Rights, all the members of the family after arriving at consensus with regard to the manner of partition of the land among themselves shall make an application, enclosing the joint agreement specifying individual shares, to the Tahsildar through the website prescribed for this purpose, for allotting available date and time as per the convenience of the persons to appear before the Tahsildar.

(3) The Tahsildar shall allot the date and time, intimate the persons and maintain such particulars in register in prescribed format.

(4) The persons mentioned in sub-section (1) and (2), along with the existing Pattadar Pass Book-cum-Title Deed that are in the name of deceased person or in the name of such family member, as the case may be, on the date and time allotted to them shall attend the office of the Tahsildar.

(5) The Tahsildar shall on the basis of joint agreement of all the legal heirs or all the family members, as the case may be, shall effect the changes accordingly in Record of Rights instantly, after payment of mutation charges as prescribed.

(6) The Tahsildar shall issue a new Pattadar Pass Book-cum-Title Deed in case any of the successors or the family members, as the case may be, when they do not hold a Pattadar Pass Book-cum-Title Deed, or a duly updated in the existing Pattadar Pass Book-cum-Title Deeds instantly. The Tahsildar shall also furnish extract of changes made in Record of Rights to all of them.

(7) All the persons in possession of Pattadar Pass Book- cum-Title Deed shall furnish the details of family members in the manner prescribed to the Tahsildar. The Tahsildar shall make entries of the family members in Pattadar Pass Book-cum-Title Deeds.

15. Thus, from a perusal of the aforesaid Section, it is evident that a person, who acquires right through succession, survivorship or inheritance, can have right to seek a change in record of rights only after having consensus among all the legal heirs. The provisions of Section 6 can be invoked only after partition of the joint family properties in accordance with the Hindu Succession Act, 1956. The Tahsildar, on the basis of a joint agreement executed by all legal heirs, is required to effect the changes in the record of rights. In other words, Section 6 of the Act does not confer any adjudicatory function on a Tahsildar.

16. The Tahsildar, under the provisions of the Act, and in particular under Section 6 thereof, does not have any authority to examine the validity of a sale deed. In the instant case, the District Collector, while passing the

impugned order dated 06.10.2023, has examined the validity of the sale deed executed in favour of the writ petitioner, which is evident from the following relevant extract of the aforesaid order:

“It is a well settled principle of law that when the Principal dies the GPA becomes inoperative and void, as held by this Hon'ble High Court in C.R.P.No.595 of 1989: 1993(2) ALT 425 (SB): AIR 1954 SC 316. As such, the execution of registered Sale deed dated 19.10.2022 after the death of the original Principals is void, invalid and inoperative as such K.Sujatha Reddy and Gaeta Reddy have no sanctity of right to convey the land in any manner whatsoever as they are having neither the title nor a valid GPA. And infact the said GPAs were already declared as inoperative by the Hon'ble Court *via* Judgment in O.S.No.43 of 2004 dated 11.08.2006. Even presuming for a moment, the GPAs are treated as valid and operative documents, in such case also the

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registration of document executed in favour of Rock Hills Reality is fraud and illegal document, as the sale deed executed by K.Sujatha Reddy and K.Geeta Reddy, whereas the Registered GPAs are in favour of Karnati Vijayalaxmi and K.Sujatha Reddy.

That the Sub Registrar was well aware of the contents of Judgments in O.S.No.43 of 2004 dated 11.08.2006 wherein declared the GPAs are inoperative and after the death of Principals of GPAs, their LRs brought on record in O.S.No.88 of 2002, A.S.No.998 of 2010 and in Supreme Court Civil Appeals No.5822 of 2022. As the contents of the above said judgment were conveyed in the registered Sale Deed.

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The Hon'ble High Court of Telangana at Hyderabad in W.P.No.30002 of 2021 while disposing the Prayer made by M/s. RV and TNR Infra LLP at Hyderabad for execution of sale deed without referring to the said Memo No.G3/3247/2018 dated 01.05.2019 held on 27.10.2022 and directed the

petitioner to comply with the instructions contained in the said Memo by making an online application under module TM31 seeking conversion of land and after getting conversion to file for registration. This is now a settled provision of law on registration of land which the Sub Registrar, Rajendranagar has failed to comply with the provisions of law and also superceded the instructions of his higher authorities *vide* Memo No.G3/3247/2018 dated 01.05.2019.

That the land in question is agricultural land as on today. The Pahanies and Dharani Portal clearly disclose that it is an agricultural lands. The Dharani Portal clearly shows the name of Debbad Narayana as the pattedar of the land. The land is not converted into non-agricultural land and without there being conversion the sale deed could not have been registered by the SRO without conversion of the land into non-agricultural land and contrary to the New RoR Act No.9 of 2020 which only authorizes registration of agricultural lands by Tahsildar. Thus, the

sale deed in question are registered by the SRO, Rajendranagar is illegal, contrary to the provisions of the Registration Act as well as New RoR Act No.9 of 2020. In this regard, the Government issued a G.O.Ms.No.118 dated 28.10.2020 designating the concerned Tahsildars as Joint Registrars. In spite of it, the Sub Registrar executed the Registered Sale Deed in respect of the scheduled property (agricultural lands).”

17. Thus, it is evident that the District Collector has travelled beyond the scope of Section 6 of the Act. The question whether the sale deed was executed in pursuance of an agreement of sale for a valid consideration and whether the principal had died before execution of the sale deed by the General Power of Attorney are the questions of fact, which have to be examined by the competent court. Therefore, the District Collector ought not to have expressed his opinion with regard to validity of the sale

deed dated 19.10.2022 executed in favour of the writ petitioner as the validity of the same is pending consideration in W.P.No.37306 of 2022.

18. For the aforementioned reasons, we agree with the conclusion arrived at by the learned Single Judge that the question of title cannot be decided in a proceeding under Section 6 of the Act.

19. However, it is clarified that this Court has not expressed any opinion with regard to validity of the sale deed dated 19.10.2022 executed in favour of the writ petitioner as the aforesaid issue has to be decided by the competent court.

20. Therefore, we do not find any merit in the Writ Appeal and the same is, hereby, dismissed. No costs.



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

SD/-T.KRISHNA KUMAR
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. BHARATH REDDY BOMMINENI Advocate [OPUC]
2. One CC to SRI. D JAGAN MOHAN REDDY Advocate [OPUC]
3. Two CCs to SRI MURALIDHAR REDDY KATRAM GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies

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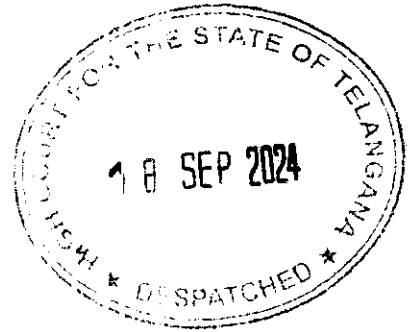


HIGH COURT

DATED:31/07/2024

JUDGMENT

WA.No.888 of 2024



DISMISSING THE WRIT APPEAL
WITHOUT COSTS

(7)
12/09/24
bws