

HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

[ 3418 ]

WEDNESDAY, THE ELEVENTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT APPEAL NO: 1042 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated. 30-07-2024, Review IA.No.1 of 2024 in WP.No. 24316 of 2024. on the file of the High Court.

**Between:**

Akula Shankaraiah, S/o. Late Venkati, Aged about 62 years, R/o. Kakarlapalli H/o. Manthani Village, Peddapalli District.

**...APPELLANT/REVIEW PETITIONER/RESPONDENT No.5**

AND

1. Akula Srinivas, S/o. Late Gopal, Aged about 56 years, Occ. Agriculture, R/o. Kakarlapalli H/o. Manthani Village and Mandal, Peddapalli District (erstwhile Karimnagar District)

**...RESPONDENT/RESPONDENT/WRIT PETITIONER**

2. The State of Telangana, Rep. by the Principal Secretary, Revenue Department, Secretariat, Hyderabad.
3. The Joint Collector, Peddapalli. District.
4. The Revenue Divisional Officer, Manthani Division, Peddapalli District.
5. The Tahsildar, Manthani Mandal, Peddapalli District.

**...RESPONDENTS/RESPONDENTS/RESPONDENT Nos.1 TO 4**

**IA NO: 1 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 suspend the order passed in Review I.A.No.1 of 2024, dated 30.07.2024, which confirmed the orders, dated 29.01.2024 in W.P.No.24316 of 2019, pending disposal of the main Writ Appeal.

Counsel for the Appellant: SRI JALLI KANAKAIAH, SENIOR COUNSEL FOR  
SRI NARENDAR JALLI

Counsel for the Respondent No.1: SRI T.RAMACHANDRA RAO (NOT  
PRESENT)

Counsel for the Respondent Nos.2 TO 5: SRI MURALIDHAR REDDY KATRAM,  
GP FOR REVENUE

The Court made the following: JUDGMENT

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT APPEAL No.1042 of 2024**

**JUDGMENT:** *(Per the Hon'ble Sri Justice J.Sreenivas Rao)*

This intra Court appeal is filed aggrieved by the order dated 30.07.2024 passed by the learned Single Judge in Review I.A.No.1 of 2024 confirming the order dated 29.01.2024 in W.P.No.24316 of 2019.

2. Heard Sri Jalli Kanakaiah, learned Senior Counsel representing Sri Narendra Jalli, learned counsel for the appellant and Sri Muralidhar Reddy Katram, learned Government Pleader for Revenue, appearing on behalf of respondent Nos.2 to 5. No representation on behalf of respondent No.1.

**3. Brief facts of the case:**

3.1 Respondent No.1, who is the writ petitioner, is claiming rights in respect of agricultural land to an extent of Acs.2.34 guntas in Survey No.611/B situated at Manthani Village and Mandal, Peddapalli District, through his father who purchased the same through unregistered sale deed

dated 10.06.1974, from Madaraboina Pedda Sarimiah and the said unregistered sale deed was regularized by the then Mandal Revenue Officer, Manthani on 07.06.1999 by exercising the powers conferred under the Andhra Pradesh/Telangana Rights in Land and Pattadar Pass Books Act, 1971 (ROR Act, for brevity) and Pattadar Pass Book and Title Deed were issued.

3.2 Aggrieved by the said order, the appellant filed appeal before the Revenue Divisional Officer, Manthani and the same was allowed on 19.08.2013. Aggrieved by the same, respondent No.1 filed Revision Petition under Section 9 of the ROR Act before the Joint Collector, Karimnagar and the revisional authority has remanded the matter to the appellate authority through order dated 07.12.2013. Thereafter, the Revenue Divisional Officer-cum-Sub-Divisional Magistrate, Manthani allowed the appeal on 21.01.2015. Aggrieved by the same, respondent No.1 filed Revision Petition before the Joint Collector, Peddapalli District and the Revisional Authority dismissed the Revision petition on 04.05.2019. Aggrieved by the said order, respondent No.1 filed W.P.No.24316 of 2019 before this

Court and the learned Single Judge of this Court allowed the writ petition on 29.01.2024 on the ground that the appellant filed the statutory appeal after lapse of more than 12½ years and without considering the said fact, the appellate authority without giving any reasons allowed the appeal on 21.01.2015 and revisional authority confirmed the said order. Thereafter, the appellant filed review application i.e., I.A.No.1 of 2024, and the said review application was dismissed on 30.07.2024. Aggrieved by the above said orders, the appellant filed the present writ appeal.

**4. Submissions of learned Senior Counsel for the appellant:**

4.1 Learned Senior Counsel contended that respondent No.5, without following the mandatory procedure prescribed under the ROR Act issued validation proceedings in favour of respondent No.1 on 07.06.1999 behind back of the appellant and the unregistered sale deed 10.06.1974 was not placed before the appellate authority, revisional authority or before this Court. In absence of the same, respondent No.1 is not entitled to claim any rights over the

subject property. He further contended that the impugned order passed by the learned Single Judge, by setting aside the well considered order dated 04.05.2019 passed by the Joint Collector upholding the order dated 21.01.2015 passed by the Revenue Divisional Officer, is contrary to law.

**5. Submissions of learned Government Pleader for Revenue:**

5.1 Learned Government Pleader for Revenue submits that the appellant and respondent No.1 are claiming rights over the subject property and several disputed questions of facts are involved and the parties have to approach the competent Civil Court.

**Analysis of the case:**

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that respondent No.1 is claiming rights over the property from his father who purchased the same through unregistered sale deed dated 10.06.1974 which is said to have been executed by one Maraboina Pedda Sammaiah and the said unregistered sale deed was

regularized by the revenue authorities exercising the powers conferred under the ROR Act on 07.06.1999 and validation proceedings were issued. Pursuant to the same, name of respondent No.1 was mutated in the revenue records and Pattadar Pass Book and Title Deed were issued. Aggrieved by the same, appellant filed appeal before Revenue Divisional Officer, Manthani and the same was allowed on 19.08.2013. Questioning the same, respondent No.1 filed Revision Petition under Section 9 of the ROR Act before the Joint Collector, Karimnagar and the revisional authority has remanded the matter to the appellate authority by its order dated 07.12.2013 and the Revenue Divisional Officer-cum-Sub-Divisional Magistrate, Manthani allowed the appeal on 21.01.2015. Aggrieved by the same, respondent No.1 filed Revision Petition before the Joint Collector, Peddapalli District and the same was dismissed on 04.05.2019.

7. Aggrieved by the said order, respondent No.1 filed W.P.No.24316 of 2019 before this Court and the learned Single Judge allowed the writ petition on the ground that the appellate authority allowed the appeal without assigning

any reasons, though the appeal is filed after lapse of a long period of 12 ½ years.

8. Admittedly, the appellant is disputing the title of respondent No.1 including the unregistered sale deed dated 10.06.1974 on the ground that respondent No.1 has not placed the said document before any authority. Whether respondent No.1 is entitled to claim title over the subject property basing on the said document and whether the said document is genuine or not are disputed questions of facts and neither the revenue authorities nor this Court is having authority to decide the said disputed questions of facts and the parties have to approach the competent Civil Court. The learned Single Judge while allowing the writ petition ought to have granted liberty to the appellant to approach the competent Civil Court to ascertain his title over the subject property.

9. It is pertinent to mention here that the appellant has already filed suit in O.S.No.47 of 2012 on the file of Senior Civil Judge, Manthani seeking perpetual injunction in respect of very same property against respondent No.1 and others. When the appellant is disputing the title of



respondent No.1 over the subject property and claiming title over the same, he ought to have filed suit seeking declaration of title over the subject property.

10. For the foregoing reasons, the appellant is granted liberty to raise all the grounds which are available under law and to seek appropriate relief before the competent Civil Court to ascertain his title over the subject property, if so he is aggrieved.

11. With the above said modification, the writ appeal is disposed of. No costs.

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

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SD/- M. MANJULA  
DEPUTY REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Revenue Department, Secretariat, Hyderabad, State of Telangana.
2. The Joint Collector, Peddapall. District.
3. The Revenue Divisional Officer, Manthani Division, Peddapalli District.
4. The Tahsildar, Manthani Mandal, Peddapalli District.
5. One CC to SRI NARENDAR JALLI, Advocate [OPUC]
6. One CC to SRI T.RAMACHANDRA RAO, Advocate [OPUC]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
8. Two CD Copies

PSK.  
GJP

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**HIGH COURT**

**DATED:11/09/2024**

**JUDGMENT**

**WA.No.1042 of 2024**



**DISPOSING OF THE WRIT APPEAL  
WITHOUT COSTS.**

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24/9/24