

HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

[ 3418 ]

WEDNESDAY, THE TWENTY SEVENTH DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT APPEAL NO: 1335 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order  
Dated 21/09/2024 in W.P.No.2136 of 2024 on the file of the High Court.

**Between:**

Vadla Monappa, S/o Late Narsappa, Aged about 62 years, occ. Agriculture,  
R/o H.no.21-52, Shivaji Chowrastha, Kosgi, Kosgi Mandal, Narayanpet  
District.

...APPELLANT/PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary. Revenue  
Department, Secretariat. Secretariat Building, Hyderabad.
2. The Chief Commissioner of Land Administration, Telangana State, Hyderabad.
3. The District Collector, Narayanpet, Narayanpet District
4. The Revenue Divisional Officer, Narayanpet Division, Narayanpet District.
5. The Tahsildar, Kosgi Mandal, Narayanpet District.

...RESPONDENTS/RESPONDENTS No.1 TO 5

6. Allam Veeramani, W/o Nagendrappa, Aged about 58 years, Occ. Housewife,  
Rio H.No.14-2, Mahankali Street, Kosgi Mandal, (Erstwhile Mahabubnagar  
District. (Now Narayanpet District).

...RESPONDENTS

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 operation of the common order Common Order dated 21/09/2024  
passed in W.P.No.2136 of 2024. by directing the respondent No.3 to 5 to issue the  
e-pattadar passbook in respect of the petitioner's agriculture land to an extent of  
Ac.20.26 gts in SY.No.1958. and to an extent of Ac.1.00 gts in SY.no.1966/2 and  
Ac.2.30 gts in Sy.No.1967 totaling to an extent of Ac.24.16 gts which is situated at  
Kosgi Revenue Village. Kosgi Mandel. Erstwhile Mahabubnagar District (Now

Narayanpet District), and to set aside the rejection order passed by the respondent pending disposal of the writ appeal.

**Counsel for the Appellant: SRI RAPOLU BHASKAR**  
**Counsel for the Respondent Nos.1 TO 5: SRI MURALIDHAR REDDY KATRAM,**  
**GP FOR REVENUE**  
**Counsel for the Respondent No.6: SRI RAJA GOPALLAVAN TAYI**

**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.1335 of 2024**

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

This intra court appeal has been filed by the appellant invoking the provisions of Clause 15 of the Letters Patent aggrieved by the order passed by the learned Single Judge in W.P.No.2136 of 2024 dated 21.09.2024, by which the writ petition filed by the appellant was dismissed.

2. Heard Mr. Rapolu Bhaskar, learned counsel for the appellant, Mr.Muralidhar Reddy Katram, learned Government Pleader for Revenue appearing for respondent Nos.1 to 5, and Mr. Raja Gopallavan Tayi, learned counsel for respondent No.6.

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

The appellant averred that he is owner and possessor of agricultural land to an extent of Ac.24.16 gts. covered by Sy.Nos.1958, 1966/2 and 1967 situated at Kosi Village and

Mandal of Narayanpet District. The appellant submitted application through online to respondent Nos.3 to 5 on 20.10.2023 for mutation of his name in the revenue records and also for issuance of pattadar pass book. The said application was rejected by respondent No.3 on 14.11.2023 without giving any reasons. Questioning the said rejection order, the appellant filed W.P.No.2136 of 2024. Learned Single Judge dismissed the said writ petition on 21.09.2024. Hence, the present writ appeal.

4. **Submission of learned counsel for the appellant:**

Learned counsel for the appellant submitted that respondent No.3 without giving any reasons rejected the application of the appellant through order dated 14.11.2023 and the same is in gross violation of the principles of natural justice. He further submitted that respondent No.6 is claiming rights over the subject property pursuant to the decree of perpetual injunction granted by the District Munsiff at Kodangal in O.S.No.11 of 1977. Basing upon the said

decree, respondent No.6 is not entitled to claim any title over the subject property.

5. **Submission of learned counsel for respondent No.6:**

*Per contra*, learned counsel for respondent No.6 submitted that the appellant and two others filed W.P.No.22440 of 2021 seeking very same relief and the said writ petition was dismissed on 01.11.2021. He further submitted that the appellant and others filed suit in O.S.No.5 of 1999 for recovery of possession in respect of subject property and the said suit was dismissed on 21.10.2000 and the said decree has become final and the learned Single Judge has rightly dismissed the writ petition.

**Analysis:**

6. This Court considered the submissions made by the respective parties and perused the material available on record. It is an undisputed fact that the grandfather of respondent No.6 filed suit in O.S.No.11 of 1977 for grant of perpetual injunction restraining the appellant from interfering with the suit schedule property and the same was decreed on

23.10.1982. Aggrieved by the same, the appellant has filed appeal *vide* A.S.No.124 of 1982 and the same was dismissed on 07.02.1985. Questioning the same, the appellant filed S.A.No.339 of 1985 before the erstwhile High Court of Judicature, Andhra Pradesh at Hyderabad, and the same was dismissed on 19.02.1988.

7. The record reveals that the appellant filed suit in O.S.No.5 of 1999 for recovery of possession in respect of the subject property and the said suit was dismissed on 21.10.2000. Aggrieved by the same, the appellant filed appeal *vide* A.S.No.3416 of 2000 and this Court dismissed the same on 12.12.2022 and the judgment and decree passed in O.S.No.5 of 1999 dated 20.10.2000 has become final.

8. The record further reveals that the appellant, his brother and sister-in-law have filed W.P.No.22440 of 2021 questioning the action of respondent Nos.2 and 3 therein in not completing mutation proceedings on the application bearing No.2100404859 and the said writ petition was dismissed on 01.11.2021. Thereafter, the appellant filed

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another writ petition i.e., W.P.No.41352 of 2022, questioning the action of respondents therein in not issuing pattadar pass book and title deed in respect of subject property and the said writ petition was disposed of on 14.11.2022 directing respondent No.2 therein to consider the application of the appellant and pass orders within a period of eight weeks from the date of submission of the application. Pursuant to the said order, respondent No.3 considered the application of the appellant and rejected the same on 14.11.2023. Questioning the same, the appellant filed W.P.No.2136 of 2024. The appellant has raised several disputed questions of facts in respect of the subject property in the writ petition and the same cannot be adjudicated under Article 226 of the Constitution of India.

9. Admittedly, in O.S.No.11 of 1977 a decree of perpetual injunction was granted in favour of respondent No.6. Admittedly, the suit in O.S.No.5 of 1999 filed by the appellant seeking recovery of possession in respect of the very same subject property was dismissed on 21.10.2000 and the said

judgment was confirmed in A.S.No.3416 of 2000 dated 12.12.2022. In both the suits i.e., O.S.No.11 of 1977 and O.S.No.5 of 1999, the title of the appellant was not decided and only granted perpetual injunction in favour of respondent No.6 in O.S.No.11 of 1977 basing upon the possession. Hence, this Court is of the considered view that unless and until the appellant establishes his title over the subject property, he is not entitled to seek mutation of his name in the revenue records and for issuance of pattadar pass book. However, the appellant is granted liberty to work out his remedies before the competent Civil Court to establish his title over the subject property. In the event the appellant succeeded before the competent Civil Court, he is entitled to make an application for mutation of his name and issuance of pattadar pass book as per the provisions of Section 7 of the Telangana Rights in Land and Pattadar Pass Books Act, 2020. To the above said extent, the order of learned Single Judge is modified.

10. Accordingly, the writ appeal is disposed of. No costs.



Miscellaneous applications pending, if any, shall stand closed.

**SD/-T.KRISHNA KUMAR  
DEPUTY REGISTRAR**

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**SECTION OFFICER**

**To**

1. The Principal Secretary. Revenue Department, Secretariat. Secretariat Building, Hyderabad, State of Telangana.
2. The Chief Commissioner of Land Administration, Telangana State, Hyderabad.
3. The District Collector, Narayanpet, Narayanpet District
4. The Revenue Divisional Officer, Narayanpet Division, Narayanpet District.
5. The Tahsildar, Kosgi Mandal, Narayanpet District.
6. One CC to SRI RAPOLU BHASKAR, Advocate [OPUC]
7. One CC to SRI RAJA GOPALLAVAN TAYI, Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
9. Two CD Copies

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**HIGH COURT**

**DATED:27/11/2024**

**JUDGMENT**

**WA.No.1335 of 2024**



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

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*2/12/24*