

**HIGH COURT FOR THE STATE OF TELANGANA**

**WRIT PETITION No.3615 OF 2019**

Mohd. Chand Pasha S/o Late Mohd.Ismail,  
Age: 40 years, Occ: Pan Shop Business,  
R/o H.No.2-95, Ambedkarnagar,  
Manthani Village & Mandal, Peddapalli District.

....Petitioner

VERSUS

The State of Telangana rep. by the  
Principal Secretary, Revenue Department,  
Secretariat, Hyderabad and five others.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 31.07.2024

**THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO**

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No
2. Whether the copies of judgment may be marked to Law Reporters/Journals? Yes/No
3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

**J. SREENIVAS RAO, J**

**THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO**

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% Dated 31.07.2024

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... Respondents

! Counsel for Petitioner : Sri T.Ranjith Kumar,

^ Counsel for Respondents : Sri P.Rajagopal Reddy  
and G.P for Revenue

< GIST:

> HEAD NOTE:

? CITATIONS:

1. 2015(5) ALT 290
2. 1996 LawSuit(AP) 906
3. (2010) 8 SCC 467
4. (2009) 9 SCC 352
5. 2002 (5) ALD 398
6. (2019) 3 SCC 530
7. (1994) 1 SCC 1
8. 2003 5 ALD 654
9. 1979 2 SCC 368
10. 1990 4 SCC 594
11. 2006 5 ALT 1
12. 2024(3) ALD 749

**HON'BLE SRI JUSTICE J. SREENIVAS RAO****WRIT PETITION No.3615 of 2019****ORDER:**

This writ petition is filed for the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records pertaining to the orders of the 3rd respondent dated 27.10.2018 in Revision Petition No.D1/521/2016, in confirming the order passed by the 4th respondent in Appeal File No.A/1482/2015 dated 19.10.2015 as illegal, arbitrary, violative of principles of natural justice and also violative of Articles 14, 21 and 300A of the Constitution India and contrary to the provisions of Records of Rights in Land and Pattadar Pass Book Act and quash the same ...”

**Brief facts of the case:**

2. The case of the petitioner is that he is the owner and possessor of land to an extent of Acs.0.13 guntas in Survey No.1014 situated at Manthani Village and Mandal Peddapally District(erstwhile Karimnagar District). Having acquired the same from his father namely late Mohd. Ismail, who inturn acquired the same from the petitioner's grandfather namely Fateh Mohammed which is his self-acquired property. He further stated that his father name was recorded as pattadar in Pahani for the year 1963-64

and after his demise the petitioner is continuing in possession of the subject land, without any interruption.

2.1. While things stood thus, respondent No.6 had filed suit in O.S.No.178 of 2011 on the file of Senior Civil Judge, Manthani seeking declaration of title and perpetual injunction against him and during the pendency of the said suit Fakrunnisa W/o Late Aziz and her son have filed another O.S.No.53 of 2013 on the file of Senior Civil Judge Manthani, seeking declaration of title and claiming  $\frac{1}{4}$  share in the suit scheduled property and recovery of possession. When the above suits are pending, respondent No.6 again filed appeal before respondent No.4 seeking rectification of revenue records by mutating his name in place of petitioner alleging that his grandfather executed will deed dated 22.02.1964 in favour of his father and he acquired the said property from his father and basing on the same, respondent No.4 initiated the proceedings exercising the powers conferred under the provisions of Telangana Rights in Land and Pattadar Pass Books Act, 1971('Act' for brevity) and further stated that he filed a detailed counter denying the allegation made by the respondent No.6. During the pendency of the said appeal, respondent No.6 filed W.P.No.4372 of 2015

without impleading the petitioner as party respondent No.2 before this Court, questioning the action of respondent No.2 therein in contemplating to lay public road over the land in Survey No.1014, wherein this Court granted *Status Quo*. Respondent No.4 without properly considering the contentions of the petitioner and without verifying the records, allowed the Appeal file No.A1/1482/2015 on 19.10.2015 deleting the name of the petitioner's father from patta and possession column of the pahanies for the year 1963-64 to 2011-12 and deleting the name of the petitioner from the patta and possession columns of pahanies for the year 2012-13 to till date and further recording the name of Fatheh Mohammad in patta column of pahanies from 1963-64 to 1995-96 and including the name of the father of respondent No.6 herein namely Mohd.Afzal in possession column of pahanies from the year 1963-64 to till date and recording the name of Fateh Mohammad in the patta column from the year 1996-97 to till date and cancelling the virasath proceedings dated 16.02.2012 as they are irregular and illegal.

2.2. Aggrieved by the same, petitioner filed revision before Joint collector, Peddapalli-respondent No.3

invoking the provisions of Section 9 of Act. During the pendency revision petition, respondent No.6 withdrawn the suit in O.S.No.178 of 2011 on 28.01.2016. The revisional authority without properly considering the grounds raised in the revision petition and the contentions of the petitioner and also without verifying the records dismissed the Revision petition by its order dated 27.10.2018. Aggrieved by the same, petitioner filed present writ petition.

2.3. The claim of respondent No.6 is that the subject property belongs to his grandfather namely Fateh Mohammad and he is having five sons namely late Md. Haneef, late Md.Bangi Sahab, late Md.Ismail, late Md.Afzal Miya and Md.Haneem. The above said property i.e., Acs.0.13 guntas in Survey No.1014 was allotted towards share of Fateh Mohammad and till his death he lived along with father of respondent No.6 and the father of respondent No.6 has taken care and rendered services to Fateh Mohammad till his death. During his lifetime Fateh Mohammad had executed will deed dated 22.02.1964, in favour of respondent No.6's father and after his death respondent No.6's father is continuing in the subject property and his name was recorded in the

possessor column in the revenue records and he died on 25.01.1996. Since then respondent No.6 is in continuous possession of the subject property.

2.4. While things stood thus, respondent No.6 came to know that in patta and possession column of Pahanies of the year 1963-64 name of Fateh Mohammad has been rounded off and the name of Ismail who is the father of petitioner has been written. After came to know about the said wrong entry, respondent No.6 had approached the respondent Nos.4 and 5 and submitted representation requesting them to conduct enquiry and take necessary steps for deleting of the name of the petitioner's father and correct the revenue entries. Basing on the said application, respondent No.4 directed respondent No.5 to conduct enquiry and submit report. Pursuant to the same, respondent No.5 after conducting detailed enquiry and after verification of the records submitted detailed report No.B/954/2015, dated 27.08.2015. Pursuant to the said report, respondent No.4 initiated the proceedings and issued notices to the petitioner as well as respondent No.6 directing them to submit their grievance. Accordingly, the petitioner filed counter by engaging

counsel similarly respondent No.6 also appeared before respondent No.4 through his counsel.

2.5 Respondent No.4 after considering the contentions of both the parties and also after due verification of the entire records, held that the name of the Fateh Mohammad has been rounded off in the Pahani for the year 1963-64 and the name of Mohd.Ismail is written with different ink in the absence of any proceedings, especially without issuing notice to the affected parties and allowed the appeal by its order 19.10.2015 for deletion of name of the petitioner's father from patta and possession column of the Pahani for the year 1963-64 to 2011-12 and inclusion of Fateh Mohammad name in Patta column and Mohammad Afzal, who is father of respondent No.6, name in possession column. Aggrieved by the said order, petitioner filed revision petition, before respondent No.3 and revisional authority dismissed the revision petition confirming the order of respondent No.4.

3. Heard Sri Y.Srinivasa Murthy, learned Senior counsel, representing T.Ranjith Kumar, learned counsel for the petitioner and Sri P.Rajagopal Reddy, learned counsel appearing for respondent No.6 and learned



Assistant Government Pleader for Revenue appearing on behalf of respondent Nos.1 to 5.

4. Learned Senior Counsel for the petitioner submits that respondent No.6 had approached respondent No.4 and 5 and filed application for correction of the revenue entries which were entered in the year 1963-64, after lapse of long period of time and basing on the same, respondent No.4 initiated proceedings and passed the impugned order dated, 19.10.2015 though respondent No.4 is not having jurisdiction to entertain the application of respondent No.6. Hence, the order passed by respondent No.4 is liable to be declared as illegal and without jurisdiction. He further contented that respondent No.6 father is claiming rights over the property basing on the will deed dated 22.02.1964, executed by Fateh Mohammad. Unless and until the said will is established and proved before competent Civil Court neither the father of respondent No.6 nor respondent No.6 are entitled to claim rights over the property and revenue authorities while exercising the powers conferred under the provisions of the Act and Rules made thereunder are not having jurisdiction to decide the rights of the parties basing on the alleged will deed.

4.1 He further contended that father of the petitioner namely Mohd. Ismail continued in the revenue records since 1963-64, in such circumstances, respondent No.4 ought to have directed respondent No.6 to approach the competent Civil Court, on the other hand passed the order dated 19.10.2015 on the alleged ground that the petitioner's father name was wrongly mentioned in the patta and possession column in the pahani for the year 1963-64 with different ink and handwriting basing on the allegation that petitioner's father worked as attender in Tahsildar office, Manthani. He also contended that merely because the petitioner's father worked as attender in the Tahsildar office, in the absence of any iota of evidence, respondent No.4 and respondent No.3 held that the name of petitioner's father is fraudulently entered in the Pahani for the year 1963-64. He further contended that respondent No.6 had filed comprehensive suit in O.S.No.178 of 2011 seeking declaration of title and for grant of perpetual injunction on the file of Senior Civil Judge, Manthani, subsequent to passing of the order by respondent No.4 on 19.10.2015, he withdrawn the suit on 28.01.2016 even without establishing his right and title over the property.

4.2 Learned senior counsel vehemently contended that respondent No.6 had approached respondent No.4 seeking rectification of the revenue entries without producing any iota of evidence, on the other hand, respondent No.4 shifted the entire burden against the petitioner that he failed to produce any evidence that his father name was entered in the Pahani in the patta and possession column basing on the particular document. He further contended that the initial burden lies upon the party who approaches the Court for seeking relief. Hence, the impugned order passed by respondent No.4 is contrary to law. The revisional authority-respondent No.3 without considering the grounds raised in the revision petition simply confirmed the order of appellate authority-respondent No.4 without assigning any reasons and the impugned order passed by respondent No.3 dated 27.10.2018 confirming the order of respondent No.4 is contrary to law.

4.3 In support of his contention he relied upon the following judgments:

***1. G. Prabhakar Vs. State of Telangana, Rep. by its Prl. Secretary, Revenue Department and others<sup>1</sup>.***

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<sup>1</sup> 2015 (5) ALT 290

**2. Ibrahimpatnam Taluk Vyavasaya Coolie Sangam, Rep. By Its General Secretary, Geetha Ramaswamy V. K. Suresh Reddy<sup>2</sup>.**

**3. Sulochana Chandrakant Galande Vs. Pune Municipal Transport and others<sup>3</sup>**

**4. In Santosh Kumar Shivgonda Patil Vs. Balasaheb Tukaram Shevale and others<sup>4</sup>.**

**5. Sri Bhavanarishi Co-operative House Building Society, Hyderabad v. Joint Collector, R.R. District, Hyderabad and others<sup>5</sup>**

5. Sri P.Rajagopal Reddy, learned counsel for unofficial respondent No.6 submits that the property belongs to his grandfather namely Fateh Mohammad and his name was entered in the Pahanies for the year 1963-64 as pattadar and Fateh Mohammad along with respondent No.6's father namely Md.Afzal cultivated the land and during his lifetime he executed will deed in favour of his father dated 22.02.1964 and his father died on 25.01.1996 and since then respondent No.6 is in possession and enjoyment of the subject property with absolute rights and his name was entered in the possession column in Pahanies and the petitioner father is not having any right, interest over the subject property. When the respondent No.6 came to know about the wrong entries in the pahanies, he had approached respondent No.4 and submitted application to

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<sup>2</sup> 1996 LawSuit(AP) 906

<sup>3</sup> (2010) 8 SCC 467

<sup>4</sup> (2009) 9 SCC 352

<sup>5</sup> 2002 (5) ALD 398

rectify the revenue entries made in name of the petitioner's father, pursuant to the same respondent No.4 directed respondent No.5 to conduct enquiry and submit report accordingly. Respondent No.5 has conducted detailed enquiry and submitted report and basing on the same, respondent No.4 has rightly initiated the proceedings and passed the impugned order on 19.10.2015 after following the due procedure as contemplated under the provisions of Act and Rules made thereunder. He further submits that respondent No.4 has held that name of Fateh Mohammad is rounded up and the name of petitioner's father is written in Telugu language with different hand writing in the pahanies for the year 1963-64 in the absence of any mutation proceedings and the said order was confirmed by the revisional authority while exercising the powers conferred under Section 9 of Act on 27.10.2018. He further submits that the petitioner played fraud and got his name entered in the revenue records and if any person by playing fraud obtained any order, the same can be questioned and limitation aspect will not apply and the appellate authority and revisional authority has rightly passed the impugned orders.

6. In support of his contention, he relied upon the Judgment of Hon'ble Apex Court in **Dharam Singh(dead) through Legal Representatives and others Vs. Prem Singh(dead) Through Legal representatives**<sup>6</sup>,

7. Learned Assistant Government Pleader for Revenue appearing on behalf of official respondents submits that revisional authority- respondent No.4 after due verification of the records as well as after considering the contentions of the respective parties rightly passed the order on 19.10.2015 and respondent No.3 rightly confirmed the said order and there is no illegality or irregularity in the said order and the petitioner has to approach competent Civil Court and he is not entitled any relief in the writ petition.

8. Having considered the rival submissions made by respective parties and after perusal of the records, it reveals that admittedly the subject property to an extent of Acs.0.13 guntas in Survey No.1014, situated at Manthani Village and Mandal belonging to one Fateh Mohammad, who is the grandfather of the petitioner and respondent No.6 and his name was mutated in the

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<sup>6</sup> (2019) 3 SCC 530

revenue records. It further appears that Fateh Muhammad is having five sons namely late Md.Haneef, late Md.Bangi Sahab, late Md.Ismail, late Md.Afzal Miya, Md.Haneem.

9. The claim of the writ petitioner is that subject property devolved upon his father late Mohd. Ismail and his name was recorded in the revenue records in patta and possession column from the year 1963-64. After his death, the petitioner succeeded the said property. Whereas respondent No.6 is claiming the rights over the property from his father late Mohd Afzal. The specific claim of respondent No.6 is that the subject property was allotted towards the share of Fateh Mohammad, who is none other than his grandfather, in partition and his name was entered in revenue records i.e., pahanies, and he lived along with his father namely Md.Afzal and his father taken care of his grandfather till his death and cultivated the land and his name was entered in the possession column and his grandfather had executed will deed dated 22.02.1964 in favour of his father and after the death of his grandfather his father was continuously in possession with absolute rights, after his death, respondent No.6 is in possession of the subject property.

10. The further claim of respondent No.6 is that at the instance of the petitioner's father his grandfather name i.e., Fateh Mohammad and his father's name i.e, Mohd Afzal were removed from patta column as well as possession column and petitioner obtained Virasath proceedings bearing No.B1/6/2011-12, dated 16.02.2012 from Tahsildar, Manthani behind their back. Immediately after came to know about the same, respondent No.6 approached respondent No.4 and 5 and submitted representation requesting them to correct the revenue entries. It further appears from the records that basing on the application submitted by respondent No.6, respondent No.4 directed respondent No.5 to conduct enquiry and to submit report. Accordingly, respondent No.5 submitted a detailed report *vide* proceeding No.B/954/2015, dated 27.08.2015 stating that he conducted an enquiry on 24.08.2015 and during the course of enquiry, both the parties were present before him and the petitioner himself stated that he is not having any document regarding mutation of his father name i.e., Mohd Ismail, in the revenue records and that he does not know how the name of his father is entered in Pahanies as pattadar and possessor. He further observed in the report



that name of the petitioner's father i.e., Md.Ismail was wrongly entered in the Pahani pertaining to 1963-64. Basing on the said report, respondent No.4 initiated the proceedings in File No.A/1482/2015 and after considering the contentions of the respective parties, passed order dated 19.10.2015 by setting aside the entries made in favour of the petitioner's father from patta column in the Pahanies for the year 1963-64 and 1995-96 and also deleted his name from the possession column and further held that father of respondent No.6 namely Mohammad Afzal may be recorded in possession column of the pahanies of the year 1963-64 and cancelled the virasath proceedings dated 16.02.2012 declaring it as irregular.

11. It further reveals from the record that respondent No.6 filed a suit in O.S.No.178 of 2011 on the file of Principal Junior Civil Judge, Manthani seeking declaration and perpetual injunction in respect of the very same subject property against the petitioner and two others and he withdrawn the said suit on 28.01.2016. During the pendency of the above suit one Fakrunnisa W/o Late Aziz and her son have filed suit O.S.No.53 of 2013 on the file of Senior Civil Judge at Manthani seeking declaration and recovery of possession in respect of  $\frac{1}{4}$

share in the said property and the said suit was dismissed on 09.08.2013. Aggrieved by the same, they have filed appeal in A.S.No.14 of 2019 and the same was dismissed on 03.01.2022. The unofficial respondent No.6 has filed W.P.No.4372 of 2015 questioning action of respondent therein in contemplating to lay public road over the land and the said writ petition was closed on 10.06.2024 on the ground that respondents therein are not interfering with the possession of the subject property.

12. The records further reveals that originally Fateh Mohammad name was recorded in the Pahanies for the year 1963-64 as patta holder, respondent No.4 after due verification of the record, held that Fateh Mohammad name was rounded up in the Pahani pertaining to 1963-64 and the name of the petitioner's father i.e, Md.Ismail was written with different ink and handwriting and also held that before correction of the said entries, the then Tahsildar, Manthani Mandal had not issued any notice to effected parties and on the said ground passed the impugned order dated 19.10.2015, and the same was confirmed by respondent No.3 in revision petition on 27.10.2018 holding that the petitioner's father name is written in Telugu language with different ink and different

handwriting by rounding off the name of Fateh Mohammad in the Pahani for the year 1963-64 and the father of the petitioner worked as a attender in Tahsildar office and his name was recorded fraudulently, especially without sanctioning of the mutation.

13. The contention raised by the learned Senior counsel for the petitioner is that respondent No.6 had made application for correction of the revenue entries after lapse of more than 25 years and basing on the said application, respondent No.4 passed the impugned order and the same is contrary to the provisions of the 'Act' as well as under law and respondent No.6 had not filed appeal questioning the virasat proceedings dated 16.02.2012 and basing on the report submitted by respondent No.5, respondent No.4 passed the impugned order dated 19.10.2015 and the same is without jurisdiction is concerned, respondent No.4 while passing the impugned order dated 19.10.2015, held that in the absence of any mutation proceedings, name of respondent No.6's grandfather i.e., Fateh Mohammad and his father's name Late Mohd.Afzal were rounded off in pahani for the year 1963-64 in patta column and in possession column and included the

petitioner's father name Mohd. Ismail with different ink and different hand writing.

14. It is undisputed fact that as per the provisions of Section 5(5) or 5(B) of the Act, the aggrieved party has to file appeal questioning the revenue entries or virasath proceedings within prescribed time limit from the date of communication of the order and against the said order, remedy of revision is provided under Section 9 of the Act.

15. In **G. Prabhakar Vs. State of Telangana(1 supra), Ibrahimpatnam Taluk Vyavasaya Coolie Sangam(2 supra), Sulochana Chandrakant Galande(3 supra), Santosh Kumar Shivgonda Patil(4 supra)**, it was held that the parties have to avail the remedy of appeal within the period of reasonable time, in the absence of any time limit, the reasonable period depends upon the facts and circumstance of the case.

16. In the case on hand, the appellate authority while passing the impugned order dated 19.10.2015, held that father of the petitioner name was mentioned in the pahani 1963-64 by rounding off the name of the Fateh Mohammad in the absence of any proceedings and his name was entered in patta and possession column fraudulently. It is settle principle of law that if any person obtained order or judgment by playing fraud,

the same can be questioned at any stage including collateral proceedings and procedural and technical aspects will not come in the way.

17. In **Dharam Singh(dead) through Legal Representatives and others Vs. Prem Singh(dead) through Legal representatives** Hon'ble Supreme Court held that while entries in revenue records are generally presumed correct, this presumption does not extend to entries made fraudulently or surreptitiously. Such entries lack legal validity and cannot establish possessory rights.

18. In **S.P.Chengalvaraya Naidu Vs. Jagannath and others**<sup>7</sup> the Hon'ble Apex Court held that a Judgment or decree obtained by playing fraud on the Court is a nullity and non est in the eyes of law. Such a judgment/decree by the first Court or by the highest court has to be treated as a nullity by every Court whether superior or inferior. It can be challenged in any Court even in collateral proceedings and period of limitation is not applicable and the same can be declared as nullity. Whereas, in the case on hand, respondent No.3-revisional authority, without considering the contentions of the petitioner simply extracted the memorandum of grounds and counter of the unofficial respondents, dismissed the revision petition and

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<sup>7</sup> (1994) 1 SCC 1

confirmed the order of respondent No.4-appellate authority, without assigning any reasons and the same is gross violation of principles of natural justice.

19. In **Sri Bhavanarishi Co-operative House Building Society, Hyderabad v. Joint Collector, R.R. District, Hyderabad and others**, the judgment relied upon by the learned senior counsel for the petitioner was set aside by the Division bench in **Konkana Ravinder Goud and others Vs.Bhavanarishi Co-operative House Building Society, Hyderabad**<sup>8</sup>.

20. It is pertinent to mention here that petitioner has filed statutory revision under Section 9 of 'Act' by raising several grounds in the memorandum of revision petition, aggrieved by the order of respondent No.4 dated 19.10.2015. Respondent No.3 simply extracted the memorandum of grounds raised by the petitioner and contentions of respondent No.6 in the counter affidavit and dismissed the revision petition confirming the order of the appellate authority dated 27.10.2018 without assigning any reasons.

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<sup>8</sup> 2003 5 ALD 654

21. In fact, reasons are heart and soul of the order passed by the authority. Non-recording of reasons could lead to dual infirmities; firstly, it may cause prejudice to the affected party and secondly, more particularly, hamper the proper administration of justice.

22. In ***Guridial Singh Fiji v. State of Punjab***<sup>9</sup>, the Hon'ble Apex Court held as under:

“... “Reasons” are the links between the materials on which certain conclusions are based and the actual conclusions...”

23. The Hon'ble Apex Court in case of ***S.N.Mukherjee v. Union of India***<sup>10</sup>, while emphasizing the importance of recording of reasons for decisions by the Administrative authorities and Tribunals observed that:

"administrative process will best be vindicated by clarity in its exercise".

24. In the case of ***Mc.Dermott International Inc. v. Burn Standard Co. Ltd. and others***<sup>11</sup>, the Apex Court clarified the rationality behind providing of reasons and stated the principle as follows:

"... Reason is a ground or motive for a belief or a course of action, a statement in justification or explanation of belief or action. it is in this sense

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<sup>9</sup> 1979 2 SCC 368

<sup>10</sup> 1990 4 SCC 594

<sup>11</sup> 2006 5 ALT 1

that the award must state reasons for the amount awarded. The rationale of the requirement of reasons is that reasons assure that the arbitrator has not acted capriciously. Reasons reveal the grounds on which the Arbitrator reached the conclusion which adversely affects the interests of a party. The contractual stipulation of reasons means, as held in Poyser and Mills' Arbitration in Re, 'proper adequate reasons'. Such reasons shall not only be intelligible but shall be a reason connected with the case which the Court can see is proper. Contradictory reasons are equal to lack of reasons..."

25. In **Kasarla Yadagiri (died per L.Rs. and others v. State of Telangana**<sup>12</sup>, this Court while taking into consideration the judgments of the Hon'ble Apex Court held that quasi judicial authority while exercising revisional powers conferred under Section 9 of the 'RoR Act' ought to have considered contentions of respective parties, material evidence on record and pass orders by giving reasons.

26. It is already observed in preceding paras that respondent No.3, while exercising the quasi-judicial powers conferred under the provisions of Act, without considering the contentions of the respective parties and without giving reasons dismissed the revision petition and the same is contrary to the principles laid down by the Hon'ble Apex Court as stated supra and is liable to be set

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<sup>12</sup> 2024 (3) ALD 749



aside and the matter required reconsideration by the revisional authority.

27. During the course of hearing, it is brought to the notice of this Court that the State of Telangana, while repealing the Telangana Rights in Land and Pattadar Pass Books Act, 1971, legislated new enactment, namely, the Telangana Rights in Land and Pattadar Pass Books Act, 2020(Act No. 9 of 2020) and the same came into effect from 29.10.2020. By virtue of repealing Act, 1971 Joint Collector-respondent No.3 is not having jurisdiction to adjudicate the Revision Petition under Section 9 of ROR Act, 1971. However, as per the provisions of the new enactment (Act 9 of 2020) Special Tribunals were constituted under G.O.Ms.No.4 Revenue (Assignment.I) Dept., dated 12.01.2021 in every district for adjudication of pending cases. Hence the Revision Case No.D1/521/2016 has to be adjudicated by the Special Tribunal, Peddapalli District.

28. For the foregoing reasons as well as precedent decisions, the impugned order passed by respondent No.3, dated 27.10.2018 is liable to be set aside. Accordingly, set aside and the matter is remitted back to Special Tribunal,

Peddapalli District with a direction to dispose of the Revision Case No.D1/521/2016 and pass appropriate orders, in accordance with law, after giving notice and opportunity to the petitioner as well as unofficial respondents including personal hearing, within a period of three (3) months from the date of receipt of a copy of this order. Till such time the parties are directed to maintain *Status-Quo* obtaining as on today in respect of the entries made in the revenue records with regard to the subject property. It is needless to observe that both the parties are entitled to raise all the grounds which are available under law.

29. With the above direction, the writ petition is disposed of, accordingly. No costs.

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

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**JUSTICE J. SREENIVAS RAO**

31<sup>st</sup> July, 2024

**Note:** L.R.Copy to be marked: 'Yes'

2. Furnish C.C within three(3) days.

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PSW