

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

+ WRIT PETITION Nos.23869 of 2019 and 8121 of 2021

% Dated 16.07.2024

W.P.No.23869 of 2019

Syed Asghar Hussaini S/o.late Samadullah Hussaini
Aged about 77 years, occ: Retired Government Employee
R/o.H.No.9-4-131/32, Akbarbagh, Tolichowki,
Hyderabad and five others

....Petitioners

VERSUS

\$ State of Telangana
Represented by its Principal Secretary,
Revenue, Secretariat, Hyderabad and four others.

... Respondents

W.P.No.8121 of 2021

Syed Asghar Hussaini S/o.late Samadullah Hussaini
Aged about 75 years,
R/o.H.No.9-4-131/32, Akbarbagh,
Tolichowki, Hyderabad and four others

....Petitioners

VERSUS

\$ State of Telangana
Represented by its Principal Secretary,
Revenue, Secretariat, Hyderabad and four others.

... Respondents

! Counsel for Petitioners : Mr.Zulfaquar Alam (WP.23869 of 2019)
Mr.Mohammed Abdul Wahab
(W.P.No.8121 of 2021)

^ Counsel for Respondents : GP for Revenue
Mr.S.Viplav Simha Reddy

< GIST:

> HEAD NOTE:

? CITATIONS:

1. (2017) 16 SCC 680
2. (2015) 6 SCC 716
3. (2018) 1 ALD 290
4. (2011) 7 SCC 69
5. (2008) 12 SCC 481

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION Nos.23869 of 2019 and 8121 of 2021

COMMON ORDER:

W.P.No.23869 of 2019 is filed seeking the following relief:

“...to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in passing the impugned order in Appeal No.C/383/2018 dt.30.8.2018 setting aside the orders passed by the 4th respondent in Procs.No.B/71/2009 dt.19.12.2016 by directing him to pass orders afresh by affording opportunity to all the concerned, when admittedly the 4th respondent has only implemented the orders passed in G.O.Msl.No.1110 Revenue ® dt.19.8.1975 in compliance of the orders passed by this Hon’ble Court in W.P.No.10339/2012 dt.19.1.2016, as being illegal, arbitrary, unilateral and unconstitutional and consequently set aside the same...”

1.1. W.P.No.8121 of 2021 is filed seeking the following relief:

“...to issue any writ, order or direction more in the nature of writ of Mandamus declaring the action of the 4th respondent herein/Tahsildar in passing the order dt.29.10.2019 in case No.B/2929/2019 in respect of land in Survey No.126 to an extent of Ac.1.27 guntas situated at Chandippa village, Shankerpally Mandal, Ranga Reddy District, as illegal, arbitrary, unconstitutional, and against the provisions of Law and in utter violation and disobedience of orders in w.P.No.23869 of 2019 and consequently declare the same as void ab initio and further direct the respondents to forthwith restore the name of the original Inamdar in online Pahanis and the Dharani as per the Supplementary Sethwar and subsisting binding orders of the Hon’ble High Court.....”

2. Brief facts of the case:

2.1. The claim of the petitioners is that they are owners and possessors of land to an extent of Ac.8.30 gts. in Sy.No.124, Ac.1.04 gts. in Sy.No.125 and Ac.1.27 gts. in Sy.No.126 situated at Chandippa

Village of Shankarpally Mandal, Ranga Reddy District. During the life time of their father, there was some error crept in the entries in Sethwar instead of recording the name of their father, it was recorded as Gairan land in respect of land in Sy.No.124 and Sy.No.125 was mentioned in the name of Ramanujamma and Sy.No.126 was mentioned in the name of Peerzad Akbar Hussaini Wagaira. Immediately after came to know about the said wrong entries, their father submitted representation before the revenue authorities requesting them to rectify the same. Basing upon the said representation and basing on the proposal submitted by the then District Collector and the then Commissioner, Survey and Settlement, recommended the Government for rectification of the said error as per the provisions of Section 87 of Hyderabad Land Records Act. Pursuant to the same, the Government issued orders *vide* G.O.Ms.No.1110 dated 19.08.1975 and accordingly, the errors were rectified in Sethwar 1953 and issued supplementary Sethwar by duly correcting the name of pattadar and owner of the above said lands as Syed Samadullah Hussaini S/o.Qubululla Hussaini and also directed respondent No.4 to implement the same. In the meanwhile, their father died.

2.2. Thereafter, petitioner Nos.1, 2 and 4 have filed W.P.No.10339 of 2012 questioning the action of the respondent authorities therein for non implementing the order dated 25.11.1985 for mutation of their

fathers' name in the revenue records and for issuance of pattadar pass book and title deed in their favour in respect of the subject properties i.e., land admeasuring Ac.8.30 gts. in Sy.No.124, Ac.1.04 gts., in Sy.No.125 and Ac.1.23 gts. in Sy.No.126 situated at Chandippa Village of Shankarpally Mandal, Ranga Reddy District, and the said writ petition was allowed on 19.01.2016 directing respondent Nos.2 to 4 therein to take steps in accordance with law for issuance of pattadar pass book and title deed at the earliest.

2.3. Aggrieved by the above said order, respondent No.5 filed W.A.No.401 of 2018 claiming that he had purchased the land in Sy.No.126 admeasuring Ac.1.27 gts. from M/s.Proagro Seed Company Private Limited, through registered document No.1521 of 2006 dated 07.02.2006. The said W.A.No.401 of 2018 was disposed of on 10.09.2008 granting liberty to respondent No.5 to file revision under Section 9 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'RoR Act') within four weeks from the date of order for correction, continuation or maintenance of records of right in respect of land in Sy.Nos.124, 125 and 126 situated at Chandippa Village of Shankarpally Mandal, Ranga Reddy District; and further directed the revisional authority-Joint Collector to pass orders after affording opportunity to both parties within three months from the date of filing of the revision; and further directed the parties to maintain status quo

as regards possession and enjoyment of the property till the revision is disposed of and order communicated to the parties.

2.4. In the meanwhile, respondent No.3-RDO passed *ex parte* orders in the appeal filed by respondent No.5 *vide* No.C/383/2018, dated 30.08.2018, by setting aside the orders passed by respondent No.4-Tahasildar dated 19.12.2016 in respect of the land covered by Sy.No.126 to an extent of Ac.1.27 gts., directing respondent No.4 to enquire into the matter afresh, while issuing opportunity to all the concerned and by making wide publicity in the village, and pass appropriate orders afresh strictly in accordance with the Rules and Law under RoR Act. Aggrieved by the said order, the petitioners filed W.P.No.23869 of 2019.

2.5. Pursuant to the order dated 30.08.2018 passed by respondent No.3 in Case No.C/383/2018, respondent No.4 passed order in Case No.B/2929/2019 deleting the name of the petitioners' father i.e., Samadulla Hussaini from the revenue record of right from 2016-2017 onwards and restoring the name of respondent No.5 as pattadar and occupant over the land in Sy.No.126 to an extent of Ac.1.27 gts., for the year 2016-2017 to till date by its order dated 29.10.2019. Aggrieved by the same, the petitioners filed W.P.No.8121 of 2021.

3. In view of the same, both the writ petitions are clubbed together and disposed of by way of a common order.

4. Heard Sri B. Mayur Reddy, learned senior counsel, representing Sri Zulfaquar Alam, learned counsel for the petitioners in W.P.No.23869 of 2019 and Sri Mohammed Abdul Wahab, learned counsel for the petitioners in W.P.No.8121 of 2021 and learned Assistant Government Pleader appearing on behalf of respondent Nos.1 to 4 and Sri S. Viplav Simha Reddy, learned counsel for respondent No.5.

5. Learned senior counsel submits that respondent No.5 suppressing the factum of filing of appeal No.C/383/2018 before respondent No.3 aggrieved by the orders dated 19.12.2016 passed by respondent No.4 filed W.A.No.401 of 2018 and basing upon the submission made by respondent No.5 only, the Hon'ble Division Bench of composite High Court of Telangana and Andhra Pradesh, Hyderabad, disposed of the above said writ appeal on 10.09.2018 and granted liberty to respondent No.5 to file Revision under Section 9 of ROR Act within a period of four weeks from the date of the order and further directed the revisional authority to dispose of the said revision within a period of three months from the date of filing of the revision petition and also directed the parties to maintain *status quo* as regards possession and enjoyment till the disposal of the revision petition. He further submits that even before passing of the orders in W.A.No.401 of 2018 dated 10.09.2018, respondent No.3 had passed order in appeal filed by respondent No.5 on 30.08.2018. Respondent No.5 had

suppressed the factum of filing of appeal including disposal of the said appeal before the Hon'ble Division Bench in W.A.No.401 of 2018.

5.1. He further contended that this Court on 01.11.2019 while admitting W.P.No.23869 of 2019 granted interim stay as prayed for. When the above said case is pending, respondent No.4 had issued proceedings on 29.10.2019 deleting the name of the petitioners' father viz., Samadulla Hussaini and restored the name of respondent No.5 in the revenue record of rights. Questioning the same, the petitioners filed W.P.No.8121 of 2021. On 06.04.2021, this Court while admitting the writ petition granted interim suspension suspending the order dated 29.10.2019 passed by respondent No.4.

5.2. He vehemently contended that respondent No.5 had invited the order dated 10.09.2018 from the Hon'ble Division Bench in W.A.No.401 of 2018 by suppressing several material facts. Pursuant to the said order, respondent No.5 ought to have filed revision under Section 9 of RoR Act before revisional authority/Joint Collector. He further contended that the allegations made by respondent No.5 that due to the communication gap between him and his counsel, he could not brought to the notice of the Court about filing of appeal and passing of the order by respondent No.3 dated 30.08.2018 is not acceptable on the ground that respondent No.5 has not filed any application for seeking review/modification of the order dated 10.09.2018 passed in W.A.No.401 of 2018 by explaining reasons, as

such, the order passed by the Hon'ble Division Bench is binding upon all the parties in *lis*. Hence, the impugned order passed by respondent No.3 dated 30.08.2018 and consequential order dated 29.10.2019 passed by respondent No.4 are liable to be dismissed.

5.3. In support of his contention, learned senior counsel relied upon the judgment of this Court in **National Insurance Company Limited v. Pranay Sethi and others**¹.

6. *Per contra*, learned counsel for respondent No.5 submits that the petitioners are not having any semblance of right, interest over the subject property to an extent of Ac.1.27 gts. covered by Sy.No.126. He submits that one Smt. K.Ramanjumma was the original owner of the above said land and she was the protect tenant and she got occupancy right certificate (ORC) under the provisions of Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, *vide* proceedings No.A1/1020/75 dated 20.06.1978. Pursuant to the above said ORC, her name was mutated in the revenue records including in original Sethwar as pattadar. However, the then Mandal Revenue Officer, Shankarpally, *vide* proceedings No.S2/1361/1985 dated 25.11.1985, had issued supplementary Sethwar in favour of Samadulla Hussainee in respect of Ac.11.21 gts. including the subject property to an extent of Ac.1.27 gts. in Sy.No.126, without verifying records. Questioning the above said order dated 25.11.1985, the successor of late

¹ (2017) 16 SCC 680

K.Ramanujamma, namely, K.Rajeshwar Reddy had filed appeal Case No.C/6205/86 before the RDO in respect of land to an extent of Ac.1.27 gts. in Sy.No.126 and the said appeal was allowed on 20.03.1991 by setting aside the order dated 25.11.1985. Aggrieved by the same, petitioner Nos.1, 2 and 4 have filed Revision Case No.B/8075/91 invoking the provisions of under Section 9 of the RoR Act before Joint Collector, Ranga Reddy District, and the same was dismissed on 11.12.1995 and the said order has become final. K.Rajeshwar Reddy alienated the subject property in favour of M/s.Proagro Seed Company Private Limited through Registered Sale Deed *vide* document bearing No.835 of 1996 dated 27.05.1996. Thereafter, respondent No.5 had purchased the subject property from M/s.Proagro Seeds Company through registered sale deed *vide* document bearing No.1521 of 2006 dated 07.02.2006 and his name was mutated in the revenue records and pattadar pass book and title deed were issued in his favour.

6.1. He further contended that petitioner Nos.1, 2 and 4 have filed W.P.No.10339 of 2012 before the erstwhile High Court of Andhra Pradesh at Hyderabad, seeking a direction to implement the order dated 25.11.1985 passed by the Tahasildar, Shankarpally, without impleading respondent No.5 as a party respondent, by suppressing the material fact that the order dated 25.11.1985 of the Tahasildar

was set aside by the RDO on 20.03.1991 and the same was confirmed by the Joint Collector, Ranga Reddy, by its order dated 11.12.1995.

6.2. He also contended that the ORC granted on 20.06.1978 in favour of Smt.K.Ramanujamma in respect of subject property has become final. Hence, the petitioners are not entitled to claim any rights over the property. He further submits that due to the communication gap between respondent No.5 and his counsel in W.A.No.401 of 2018, respondent No.5 could not brought to the notice of the Hon'ble Division Bench about filing of the appeal before RDO, Chevella, including disposal of the said appeal, and the same does not amount to suppression of fact. Respondent No.5 has rightly invoked the statutory remedy of appeal as provided under the RoR Act.

6.3. In support of his contention, learned counsel relied upon the judgment of this Court in **State of Uttar Pradesh and others v. Anil Kumar Sharma and another**².

7. Learned Assistant Government Pleader submits that respondent Nos.3 and 4 have rightly passed the impugned orders after following the due procedure and the same are in accordance with law.

8. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioners are claiming rights over the property to an extent

² (2015) 6 SCC 716

of Ac.8.30 gts. in Sy.No.124, Ac.1.04 gts., in Sy.No.125 and Ac.1.27 gts. in Sy.No.126 situated at Chandippa Village of Shankarpally Mandal, Ranga Reddy District, through their father, namely late Samadulla Hussaini.

9. It further reveals that petitioner Nos.1, 2 and 4 have filed W.P.No.10339 of 2012 before erstwhile High Court of Andhra Pradesh, Hyderabad, questioning the order dated 25.11.1985 passed by the Thasildar, Shankarpally, in not mutating the name of their father in revenue records in respect of land admeasuring Ac.8.30 gts in Sy.No.124, Ac.1.04 gts. in Sy.No.125 and Ac.1.23 gts. in Sy.No.126 situated at Chandippa village of Shankerpally Mandal Ranga Reddy District, as illegal and sought direction to issue the pattadar pass book and title deed in their favour and the said writ petition was allowed and directed respondent Nos.2 to 4 therein to take steps in accordance with law for issuance of pattadar pass book and title deed in respect of lands in question at the earliest, by its order dated 19.01.2016. Aggrieved by the said order, respondent No.5 filed W.A.No.401 of 2018. The Hon'ble Division Bench of combined High Court for the State of Telangana and Andhra Pradesh, Hyderabad, disposed of the said writ appeal on 10.09.2018 and passed the following order:

“(i) The appellant is given liberty to file revision under Section 9 of the Act within four weeks from today by enclosing

a copy of this order for correction, continuation or maintenance of records of right for Sy.Nos.124, 125 and 126 situated in Chandippa Village, Shankarpally Mandal, Ranga Reddy District;

(ii) The revisional authority/Joint Collector calls for the record relating to the subject matter, keeps in view the principle laid down by this Court in KURUVA HANUMANTHAMMA v. PRINCIPAL SECRETARY, REVENUE DEPARTMENT, HYDERABAD, AND ANOTHER³ and passes orders after affording opportunity to both parties within three months from the date of filing of revision.

(iii) The parties are directed to maintain status quo as regards possession and enjoyment till the revision is disposed of and order communicated to parties.”

10. It further reveals from the record that even prior to filing of the writ appeal, respondent No.5 filed appeal before respondent No.3 under the provisions of RoR Act on 19.02.2018 questioning the orders passed by Tahasildar, Shankarpally, *vide* Proceedings No.B/71/2009 dated 19.12.2016 incorporating the name of Samadulla Hussaini, who is none other than the father of the writ petitioners, in respect of the subject land to an extent of Ac.1.27 gts. in Sy.No.126 and the said appeal was allowed on 30.08.2018 by setting aside the above said order dated 19.12.2016 and directed the Tahasildar, Shankarpally, to enquire into the matter afresh while issuing notice and opportunity to all the concerned and by making wide publicity in the village and pass appropriate orders afresh strictly under the provisions of the Rules

³ (2018) 1 ALD 290

and Act laid under RoR Act. It further reveals that pursuant to the said order, Tahasildar, Shankarpally Mandal, passed order, vide Case No.B/2929/2019 dated 29.10.2019, which reads as follows:

In view of the above facts & circumstances of the case and on remand of the case by the Revenue Divisional Officer, Chevella Division in Case No.C/383/2018 dated 30.08.2018, the earlier mutation orders in file No.B/1845/2007 dated 15.10.2007 holds good and Pattadar Pass Book & title Deed issued earlier in the name of Ashok Kumar also holds good and it appears that E-Pass Book has not been issued to the petitioner herein. But in the Online it appears that name of Samadulla Hussain has been recorded during the LRUP Programme. Therefore, these entries are to be rectified by deleting the name of Samadulla Hussain who is nothing but Inamdar but not in occupation of the said land and these orders of the Tahsildar in file No.B/71/2009 dated 19.12.2016 has already been set aside by the Appellate authority & Revenue Divisional Officer, Chevella Division by an vide order dated 30.08.2018 in file No.C/383/2018. Therefore, it is ordered to delete the name of Samadulla Hussain from the Revenue record right from 2016-2017 onwards and name of M.Ashok Kumar S/o.Venkata Narsaiah to be restore as Pattadar & occupant over the land in Sy.No.126 extent Acs.1.27 gts. situated at Chandippa Village, Shankerpally Mandal for the years 2016-2017 to till date.

11. The record further reveals that the petitioners have filed W.P.No.23869 of 2019 before this Court on 30.10.2019 questioning the order passed by respondent No.3 dated 30.08.2018 in Appeal No.C/383/2018. By that time, respondent No.4 had already disposed

of the proceedings *vide* Case No.B/2929/2019 and passed orders on 29.10.2019 deleting the name of the petitioners' father from record of rights and ordered to restore the name of respondent No.5 pursuant to the order of respondent No.3 dated 30.08.2018. Accordingly, the name of respondent No.5 restored in RoR records.

12. The specific claim of the petitioners is that respondent No.3 passed the impugned *ex parte* order on 30.08.2018. In the above said order, respondent No.3 had observed that notice dated 23.04.2018 was served upon respondent No.1, but they have not appeared before him. Admittedly, respondent No.1 in the above said appeal is Tahasildar, Shankarpally Mandal. Respondent No.3 had not stated whether the notices were served upon the petitioners through their office in Appeal No.C/383/2019 filed by respondent No.5 or not. The official respondents have not filed counter denying the averments made by the petitioners. Similarly, respondent No.5 had also not specifically denied the averment made by the petitioners nor filed any documents to prove that notices were served upon the petitioners in the appeal and in spite of the same, they have not chosen to appear. Hence, this Court is of the considered view that respondent No.3 has not given opportunity, much less reasonable opportunity to the petitioners before passing the impugned order dated 30.08.2018.

13. Respondent No.3 while exercising the quasi judicial appellate powers under the provisions of RoR Act ought to have given

opportunity to the parties including personal hearing. In the case on hand, respondent No.3 without giving opportunity much less reasonable opportunity to the petitioners passed the impugned order dated 30.08.2018 and the same is gross violation of principles of natural justice.

14. It is relevant to place on record that respondent No.5 had approached this Court and filed W.A.No.401 of 2018 with unclean hands by suppressing the factum of filing of appeal before the RDO under the RoR Act including disposal of the said appeal on 30.08.2018 and invited the order from the Hon'ble Division Bench on 10.09.2018. Whereas, respondent No.5 in counter-affidavit in W.P.No.8121 of 2021 simply averred that he is not aware of the factum of listing of W.A.No.401 of 2018 before the Hon'ble Division Bench and, as such, he could not intimate about disposal of appeal to his counsel and the same is not acceptable under law, as he suppressed the material facts.

15. It is also relevant to place on record that petitioner Nos.1, 2 and 4 have also suppressed the several material facts about filing of appeal Case No.C/6205/1986 before respondent No.3 against them questioning the order dated 25.11.1985 and allowing of the said appeal on 20.03.1991 and also filing of revision by them before the Joint Collector, Ranga Reddy District, *vide* Case No.D1/8075/91 questioning the order dated 20.03.1991 and dismissal of the said revision petition on 11.12.1995. On the other hand, petitioner Nos.1,

2 and 4 have filed W.P.No.10339 of 2012 seeking implementation of the non-existing order dated 25.11.1985 passed by the Mandal Revenue Officer, Shankarapally, and invited order in W.P.No.10339 of 2012 on 19.01.2016. Hence, this Court is of the considered view that not only respondent No.5, but also the petitioners have approached this Court with unclean hands. The settled principle of law is that the parties have to approach the Writ Court with clean hands and put forward all the facts before the Court without concealing or suppressing material facts, especially when they are seeking equitable relief in writ jurisdiction.

16. In **Amar Singh v. Union of India and others**⁴, the Hon'ble Apex Court held that litigant, who comes to Court and invokes writs jurisdiction, must come with clean hands and he cannot prevaricate and take inconsistent stands because law is not a game of chess and equitable nature of remedy must be governed by principle of *uberrima fides*. The Court highlighted that such suppression of material facts undermines the integrity of the judicial process, emphasizing the importance of transparency and truthfulness in all interactions with the court.

17. In **K.D. Sharma v. Steel Authority of India limited and ors.**⁵ the Hon'ble Apex Court held the jurisdiction of the Supreme Court

⁴ (2011) 7 SCC 69

⁵ (2008)12 SCC 481

under Article 32 and of the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the writ court must come with clean hands, put forward all the facts before the court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the court, his petition may be dismissed at the threshold without considering the merits of the claim.

18. Insofar as the judgment relied upon by the learned counsel for the petitioners in **National Insurance Co. Ltd. (1 supra)** is concerned, the Hon'ble Apex Court held that a later bench of coordinate jurisdiction cannot dismiss an earlier decision as per incuriam simply because it appears incorrect due to overlooked aspects or insufficient consideration. The earlier decision retains its binding effect unless specifically overturned by a larger bench, emphasizing the importance of judicial discipline and hierarchy in decision-making. And also held that by relying upon the judgments of various courts *State of Bihar v. Kalika Kuer* ((2003)5SCC448), *G.L. Batra v. State of Haryana*((2014) 13 SCC759), *Jaisri Sahu v. Rajdewan Dubey*AIR 1962 SC 83 , *Katragadda virayya v. katragadda venkata subbayya*(1955 SCC online AP34) that binding nature of decisions from earlier benches of coordinate

jurisdiction, emphasizing their role in maintaining consistency and stability in legal interpretation across cases.

19. Insofar as the judgment relied upon by the learned counsel for respondent No.5 in **State of U.P (2 supra)**, the Hon'ble Apex Court held the principle that the judicial restraint, judicial accountability, and the limitation on judicial intervention. It emphasizes that judges must exercise restraint and avoids encroaching into areas of policy-making or administration, adhering strictly to their role as interpreters of law. Judicial accountability ensures that judicial decisions are subject to scrutiny through established legal processes like appeals and reviews, maintaining transparency and adherence to legal standards. Furthermore, the judgment underscores the importance of respecting legal procedures and limitations on judicial intervention, particularly in matters concerning criminal proceedings and administrative decisions. This principle aims to uphold the integrity and efficiency of the judicial system while ensuring fairness and compliance with constitutional safeguards.

20. The judgment relied by both the learned counsel are not applicable to the present facts and circumstances of the case on the ground that respondent No.5 filed intra-court Writ Appeal No.401 of 2018 questioning the order passed by the learned Single Judge in W.P.No.10339 of 2012 without disclosing the factum of filing of appeal under RoR Act before appellate authority including passing of the

order in the said appeal on 30.08.2018 and at his instance, the Hon'ble Division Bench disposed of the above said writ appeal on 10.09.2018. The writ appeal is continuation of the writ proceedings. In such circumstances, the parties ought to have approached the Court with clean hands. Similarly, the petitioners have also suppressed several material facts and filed W.P.No.10339 of 2012 seeking implementation of non-existing order dated 25.11.1985 and invited the order from this Court.

21. Taking into consideration the facts and circumstances of the case and to render substantial justice to the parties, the impugned order passed by respondent No.3 is set aside and remitted the matter on the sole ground that the appellate authority has not given reasonable opportunity to the petitioners while disposing of the appeal. However, this Court is not inclined to disturb the revenue entries made in favour of respondent No.5 and the said entries are subject to outcome of appeal proceedings *vide* Case No.C/383/2018.

22. It is also relevant to place on record that during pendency of the writ petition, 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 Passbooks Act, 2020 (Act No.9 of 2020), and the same was came into force with effect from 29.10.2020. By virtue of repealing the Act, 1971, respondent No.3 is not having jurisdiction to adjudicate the

proceedings. However, as per the provisions of the new enactment Act 9 of 2020, Special Tribunal Rules were issued under G.O.Ms.No.4 Revenue (Assignment-I) Dept., dated 12.01.2021, constituting Special Tribunals for every District for adjudication of pending cases, and the said Special Tribunal is having jurisdiction to adjudicate the matter.

23. For the foregoing reasons as well as principle laid down by the Hon'ble Apex Court in plethora of judgments, the impugned order dated 30.08.2018 passed by respondent No.3 and consequential order passed by respondent No.4 dated 29.10.2019 are set aside and the matter is remitted back to Special Tribunal, Ranga Reddy District. The Special Tribunal, Ranga Reddy, is directed to dispose of the appeal case No.C/383/2018 in accordance with law, after giving notice and opportunity to the petitioners as well as respondent No.5, including personal hearing, within a period of two (2) months from the date of receipt of a copy of this order. Till such time, the parties are directed to maintain '*status quo*' in respect of the entries in the revenue records of the subject property. It is needless to observe that both parties are entitled to raise all the grounds which are available in law.

24. With the above directions, both the writ petitions are disposed of accordingly. No costs.

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

J. SREENIVAS RAO, J

Date:16.07.2024

L.R. Copy to be marked – Yes.

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