HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE SECOND DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NOS: 308 AND 316 OF 2025

W.A.NO: 308 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 19-12-2024 in W.P.No. 16804 of 2011 on the file of the High Court.

Between:

T.Ramesh, S/o. Late Vasudevarao, Aged 72 years, Occ . Agriculture R/o.Near Railway Station, Sirpur Town Adilabad District, presently in Komaram Bheem Asifabad District,T.G.

...APPELLANT/RESPONDENT No.6

AND

1. The State of Telangana, Rep. by its District Collector Adilabad District, presently in Komaram Bheem Asifabad District.
2. The Joint Collector, Adilabad, Adilabad District, presently in Komaram Bheem Asifabad District.
3. The Revenue Divisional Officer/Sub-Collector, Asifabad Division, Adilabad District, presently in Komaram Bheem Asifabad District.
4. The Tahsildar, Sirpur (T) Mandal, Adilabad District presently in Komaram Bheem Asifabad District.
5. Assistant Director of Survey and Land Records, Adilabad, Adilabad District presently in Komaram Bheem Asifabad District.
6. A.Malla Reddy, S/o.Raghava Reddy Aged 53 years, Occ . Agriculture R/o.Sirpur Town, Adilabad District, presently in Komaram Bheem Asifabad District.
7. P.Kanaka Rathnamma (Died as L.R), W/o.Bala Narasimha Rao, rep. through her GPA Holder P.Suresh, S/o.Late P.Satyanarayana Aged 67 years, R/o.Sirpur (T) Village and Mandal Adilabad District, presently in Komaram Bheem Asifabad District.
8. V.Lakshma Reddy, S/o.Ganga Reddy Aged 84 years, R/o.Sirpur (T) Village and Mandal Adilabad District, presently in Komaram Bheem Asifabad District..
9. O.Venkateswara Rao, S/o.Narayana Swamy Aged about 91 years, R/o.H.No.2-108 Madhura Nagar, S.Atchutapuram Kakinada, presently residing at H.No.2-2-25/3/11, III Floor, DD Colony Bagh Amberpet, Hyderabad.

...RESPONDENTS

IA NO: 1 OF 2025

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 Order dt.19.12.2024 passed by the Learned Single Judge in W.P.No.16804 of 2011, pending disposal of the above writ appeal.

Counsel for the Appellant: SRI VEDULA VENKATARAMANA, SENIOR COUNSEL FOR SRI C.HARI PREETH
Counsel for the Respondent Nos.1 TO 5: SRI MURALIDHAR REDDY KATRAM, GP FOR REVENUE
Counsel for the Respondent Nos.6 TO 9: SRI A.RAVINDER REDDY, SENIOR COUNSEL FOR SRI N.JANARDHAN REDDY

W.A.NO: 316 OF 2025

Writ Appeal under clause 15 of the Letters Patent Filed Against the order Dated 19/12/2024 in Writ Petition No.18918 of 2011 on the file of the High Court.

Between:

T.Ramesh, S/o.Late Vasudevarao Aged 72 years, Occ - Agriculture R/o.Near Railway Station, Sirpur Town Adilabad District, Telangana State.

...APPELLANT/RESPONDENT No.3

AND

1. The Revenue Divisional Officer, Asifabad Division, Adilabad District
2. The Tahsildar, Sirpur, Adilabad District.

...RESPONDENTS/RESP.NO.1 & 2

3. A.Malla Reddy, S/o.Raghava Reddy Aged 89 years, Occ - Agriculture R/o.Sirpur Town, Adilabad District.
4. A.Raghupathi Reddy, S/o.A.Malla Reddy Aged 61 years, Occ - Employee R/o.H.No.1-30-367, Khanajiguda Secunderabad - 500 015.

...RESPONDENTS/PETITIONER Nos.1 & 2

IA NO: 1 OF 2025

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 Order dt.19/12/2024 passed by the Learned Single Judge in W.P.No.18918 of 2011, pending disposal of the above writ appeal.

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Counsel for the Appellant: SRI VEDULA VENKATARAMANA, SENIOR COUNSEL FOR SRI C.HARI PREETH

Counsel for the Respondent Nos.1 & 2: SRI MURALIDHAR REDDY KATRAM, GP FOR REVENUE

Counsel for the Respondent Nos.3 & 4: SRI A.RAVINDER REDDY, SENIOR COUNSEL FOR SRI N.JANARDHAN REDDY

The Court made the following: COMMON JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL Nos.308 and 316 of 2025

COMMON JUDGMENT *(Per the Hon'ble Smt. Justice Renuka Yara):*

Heard Sri Vedula Venkataramana, learned Senior Counsel representing Sri C.Hari Preeth, learned counsel for the appellant, Sri Muralidhar Reddy Katram, learned Government Pleader for Revenue, for the official respondents and Sri A.Ravinder Reddy, learned Senior Counsel representing Sri N.Janardhan Reddy, learned counsel for respondents No.6 to 9 in W.A.No.308 of 2025 and for respondents No.3 and 4 in W.A.No.316 of 2025. Perused the record.

2. The appeals are preferred by the appellant/respondent No.6 in W.P.No.16804 of 2011 and respondent No.3 in W.P.No.18918 of 2011 aggrieved by the impugned common order dated 19.12.2024 passed by a learned Single Judge in W.P.Nos.16804 and 18918 of 2011.

3. For the sake of convenience, the parties are referred to as they are arrayed in writ petition No.16804 of 2011.

4. The writ petition i.e. W.P.No.16804 of 2011 is filed to declare the Memo No.E/1117/2002 dated 29.01.2011 on the file of respondent No.3-The Revenue Divisional Officer, Asifabad, Adilabad District as illegal and to take steps based on the survey report submitted by Deputy Inspector of Survey, Asifabad and to direct respondent No.4-The Tahsildar to correct entries in the revenue records by issuing Supplementary Sethwar in respect of the lands held by the petitioners to the extent of Ac.47.83 cents, Ac.38.02 cents and Ac.21.93 cents in Sy.Nos.520 and 524 of Sirpur (T) and Mandal, Adilabad District.

5. The writ petition i.e. W.P.No.18918 of 2011 is filed to declare the Memo No.E/1117/2002 dated 29.01.2011 on the file of respondent No.3-The Revenue Divisional Officer, Asifabad, Adilabad District as illegal and to direct respondent No.3 and 4-The Revenue Divisional Officer and the Tahsildar to undertake a fresh survey and identify the old survey numbers which is said to have been converted and included in new survey numbers 520 and 524 (Government Lands) of Sirpur Town and Mandal in Adilabad District.

6. Both the said writ petitions were disposed of with a direction to respondent No.1-The District Collector, Adilabad District, to take appropriate action as per the report submitted by the Tahsildar, Sirpur (T) vide Rc.No.B/149/89, dated 29.12.2009 and to communicate the order to the contesting parties within eight (8) weeks.

Facts of the case

7. The petitioners are the owners and possessors of their respective lands in Sy.Nos.685, 658, 673, 687/1, 691, 692, 694, 685, 658, 673, 686, 690, 687/1, 674, 819 and 689 situated at Sirpur Village and Mandal of Adilabad District. During recording of Jamabandi for the year 1975-76 the aforementioned lands were treated as Mazi Survey numbers and were converted into Government lands. The petitioners claiming to be pattadars of the land filed declarations under the provisions of A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. The said lands were computed to the holdings of the petitioners. When respondent Nos.1 to 5 tried to evict the petitioners, a writ petition vide W.P.No.369 of 1989 was filed and the same was disposed of vide orders dated 03.09.1996 with a direction to the respondent Nos.1 to 5 to conduct enquiry and pass appropriate orders with respect to land in Mazi Survey numbers, which were subsequently

renumbered as Sy.Nos.520/1 and 524/1 PP. Pursuant to the said order, the respondent No.3/The Revenue Divisional Officer, Asifabad issued notice on 15.03.2007 for conducting survey. Said notice was questioned by the pattadars and the same was dismissed.

8. Consequently, the Deputy Inspector of Survey conducted survey on 23.07.2009 and a report is submitted. A podi sub-division was done by showing the land of petitioners in Sy.Nos.520 and 524 of Sirpur (T) Village. Then respondent No.3/The Revenue Divisional Officer, addressed a letter to respondent No.5/Assistant Director of Survey and Land Records for providing Wasool Baqui, new and old cadastral maps for identifying the land of the petitioners. In response to the said letter, the respondent No.5 submitted report vide letter dated 24.01.2009. Respondent No.4/The Tahsildar submitted survey and enjoyment report as per the Joint Collector's order dated 21.09.2009. But without considering the said order, respondent No.3 issued impugned Memo No.E/1117/2002 dated 29.01.2011 expressing his inability to demarcate the property due to non-availability of Wasool Baqui register. In addition, respondent No.3 directed the petitioners to approach the Civil Court for redressal.

9. Upon considering the rival contentions and the citation relied upon by the learned counsel for the petitioners in **Muramalla Padmavathi Vs. State of Andhra Pradesh and others**[1], the learned Single Judge disposed of writ petitions with a direction to respondent No.1-The District Collector to take appropriate actior based on the report submitted by the respondent No.4- The Tahsildar, Sirpur (T) vide Rc.No.B/149/89, dated 29.12.2009 and to communicate the same to the contesting parties. Hence, the writ appeal.

Contentions of respondent No.6/writ appellant:

10. The learned Senior Counsel appearing for respondent No.6/appellant argued that the learned Single Judge failed to peruse the counter affidavit filed by respondent No.6 referring to the previous litigation in O.S.No.20 of 1997 on the file of the Senior Civil Judge, Asifabad, Adilabad District and its disposal vide judgment and decree dated 13.04.2011 followed by appeal in A.S.No.3 of 2012 on the file of the Judge, Family Court-cum-IV Addl. District and Sessions Judge, Adilabad and its dismissal vide judgment and decree dated 20.02.2014.

[1] 2016 (3) ALD 650

11. According to the learned Senior Counsel appearing for respondent No.6, in case, counter was perused, the writ petitions would have been dismissed for suppression of material facts. A team of surveyors have completed the enjoyment survey work and report is submitted to respondent No.4-The Tahsildar reporting that there is no sub-division record and therefore survey work cannot be taken up. On the basis of the said report, respondent No.3-The Revenue Divisional Officer issued impugned memo dated 29.01.2011 relegating the parties to the Civil Court.

12. The learned Senior Counsel appearing for respondent No.6/appellant further argued that the learned Single Judge failed to consider that the father of respondent No.6 purchased the property and became pattadar and therefore his name is reflected in the Kasra pahani and orders of the Land Reforms Tribunal dated 17.10.1977. A patta is issued in the name of father of respondent No.6 and therefore, non-consideration of the same resulted in material irregularity.

13. Further, the learned Senior Counsel appearing for respondent No.6 referred to the decision of this Court in W.P.No.369 of 1989 for conducting denova enquiry and found that survey of disputed land cannot be done. Further, emphasis

is made on the prayer for issue of Supplementary Sethwar which was considered by a learned Single Judge in W.P.No.25795 of 2006 and said writ petition was dismissed vide order dated 15.12.2006. The learned counsel for respondent No.6 emphasized that in pursuance of the order passed in W.P.No.369 of 1989 dated 03.09.1996 for conducting of enjoyment survey, a revision was filed before the Joint Collector and it was disposed on 30.04.2009 remanding the matter to respondent No 4-The Tahsidar for initiating fresh action regarding enjoyment survey. According to respondent No.6, the sequence of events show that there are no survey or cadastral maps in the achieves department and therefore survey cannot be taken up with the help of geographical maps as complicated questions of fact are involved and therefore, the learned Single Judge erred in granting the relief to deal with complicated questions of fact. Hence, prayed to allow the appeals by setting aside the impugned order.

Contentions of the writ petitioners:

14. The learned Senior Counsel appearing for the writ petitioners i.e. respondents No.6 to 9 in W.A.No.308 of 2025 and respondents No.3 and 4 in W.A.No.316 of 2025, supported the order of the learned Single Judge alleging that a survey report has been submitted by respondent No.4-The Tahsildar vide

Rc.No.B/149/89, dated 29.12.2009 and therefore, action needs to be taken pursuant to said report. It is argued that non-availability of Wasool Baqui Register and Old Map cannot be a ground to reject the relief sought by writ petitioners. It is argued that relegating the parties to a civil court would result in inordinate delay culminating in the matter reaching the revenue authorities for execution of the decree.

Contentions of the learned Government Pleader for Revenue:

15. The learned Government Pleader for Revenue argued that the writ petitioners are not in possession of the subject land and that the said land is Government land for which Mazi survey numbers are given new survey numbers. Further, it is submitted that relevant cadastral maps in respect of the subject land are not available in the Land and Survey Department, as they are in crumble condition and therefore, the relief sought by the writ petitioners i.e. location of Mazi survey numbers in the new survey numbers cannot be implemented.

Analysis of the Court:

16. A perusal of the record reveals that the learned Single Judge considered the version presented by the writ petitioners about their ownership and possession of lands in Sy.Nos.685,

658, 673, 687/1, 691, 692, 694, 685, 658, 673, 686, 690. 687/1, 674, 819 and 689 situated at Sirpur Village and Mandal of Adilabad District, their conversion into Government lands during the Jamabandi for the year 1975-76 and the order passed by this Court in W.P.No 369 of 1989, dated 03.09.1996, wherein, a direction was given to the respondent authorities to conduct enquiry and pass appropriate orders with respect to the Mazi survey numbers, which are newly numbered as Sy.Nos.520/1 and 524/1 PP which cover the lands of the writ petitioners. Further, notices have been issued by respondent No.3-The Revenue Divisional Officer pursuant to the orders of this Court in W.P.No.369 of 1989, dated 03.09.1996 and said notices have been subject of appeal followed by survey conducted by the Deputy Inspector of Survey on 23.07.2009. There is also reference to communication of respondent No.5-The Asst. Director of Survey and Land Records about non-availability of records of Wasool Baqui, new and old cadastral maps for identifying the lands of the petitioners on ground.

17. The learned Single Judge relying upon the legal ratio laid down in **Muramalla Padmavathi's case (supra)**, proceeded to direct respondent No.3-The Revenue Divisional Officer to take

action as per report submitted by the Tahsildar, Sirpur (T) vide Rc.No.B/149/89, dated 29.12.2009.

18. In the entire above sequence of events, there is absolutely no reference to the version presented by respondent No.6 i.e. writ petitioner No.2 in W.P.No.16804 of 2011 filing a suit in O.S.No.20 of 1997 against respondent No.6 seeking perpetual injunction and disposal of said suit vide judgment and decree dated 13.04.2011. As per the said judgment and decree, the learned Senior Civil Judge, Asifabad categorically held that no documents are produced by the writ petitioner No.2 to prove her ownership and possession over lands claimed by her and therefore, the suit has been dismissed. Further, the said judgment and decree have been challenged vide A.S.No.3 of 2012 on the file of the Judge, Family Court-cum-IV Addl. District and Sessions Judge, Adilabad and the said appeal was dismissed for non-prosecution. Over and above, there is no reference to W.P.No.25795 of 2006, wherein, the prayer is as follows:

> "a writ of mandamus directing respondents, namely, District Collector, Adilabad, Sub-Collector, Adilabad and Mandal Revenue Officer, Sirpur to issue supplementary sethwar in respect of lands in survey Nos.520/1 and 524/1 admeasuring Ac.38.2 guntas situated at Sirpur village".

19. The above prayer is similar to the prayer of the current writ petitions, wherein relief sought is to correct the entries in the revenue records by issuing Supplementary Sethwar in respect of lands held by the petitioners. In W.P.No.25795 of 2006, the subject land is Ac.38.2 gts., in Sy.Nos.520/1 and 524/1 which are the subject survey numbers of the current writ petitions. The writ petitioner No.2 and her counsel did not cooperate with this Court in providing information as to the relevant law and regulations dealing with preparation of Sethwar and Supplementary Sethwar or the competent authority who orders preparation of Supplementary Sethwar as per the relevant revenue laws. Since there was no assistance in providing relevant information in spite of giving sufficient time, the said writ petition has been dismissed. Once the writ petitioner No.2 suffered an adverse order by this court in W.P.No.25795 of 2006, she is precluded from filing subsequent writ petitions seeking same relief i.e. with respect to writ petitioner No.2, the order in W.P.No.25795 of 2006 operates as res-judicata.

20. Last but not least, the prayer in one of the current writ petitions i.e. W.P.No.18918 of 2011 shows that the writ petitioners do not have any knowledge about the location,

boundaries and identity of the old survey numbers which are included in new survey numbers 520 and 524. In case, the writ petitioners were truly in possession of the subject lands, there would be no occasion to seek relief of location and identification of the land on ground of old survey numbers in the new survey numbers. The relief sought by the writ petitioners is sufficient to conclude that they do not have possession over the subject lands and therefore, do not have any locus standi to seek any kind of relief.

21. As per the law laid down by the Hon'ble Supreme Court in **Ramjas Foundation and others vs. Union of India**[2] and **Kishore Samrite vs. State of U.P. and others**[3], a person who does not come to the Court with clean hands is not entitled to be heard on the merits of his grievance and, in any case, such person is not entitled to any relief and that a litigant is bound to make full and true disclosure of facts. The writ petitioners herein approached the Court with unclean hands. Therefore, the legal ratio of the aforementioned citation is squarely applicable to the writ petitioners for suppression of facts with respect to civil

[2] (2010) 14 SCC 38
[3] 2013 (2) SCC 398

litigation and also in view of previous writ petitions, therefore, the writ petitioners are not entitled to grant of any relief on merits.

22. In the result, the Writ Appeals are allowed setting aside the impugned common order of the learned Single Judge in W.P.Nos.16804 and 18918 of 2011, dated 19.12.2024. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of

SD/- K.SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The District Collector Adilabad District, presently in Komaram Bheem Asifabad District, State of Telangana.
2. The Joint Collector, Adilabad, Adilabad District, presently in Komaram Bheem Asifabad District.
3. The Revenue Divisional Officer/Sub-Collector, Asifabad Division, Adilabad District, presently in Komaram Bheem Asifabad District.
4. The Tahsildar, Sirpur (T) Mandal, Adilabad District presently in Komaram Bheem Asifabad District.
5. Assistant Director of Survey and Land Records, Adilabad, Adilabad District presently in Komaram Bheem Asifabad District.
6. One CC to SRI C.HARI PREETH, Advocate [OPUC]
7. One CC to SRI N.JANARDHAN REDDY, Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
9. Two CD Copies

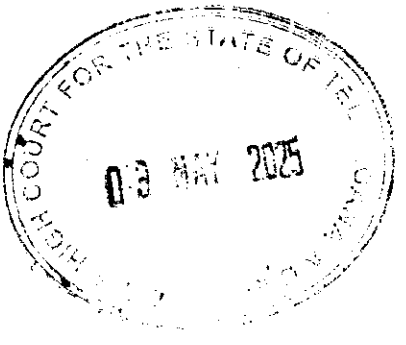
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HIGH COURT

DATED:02/05/2025

COMMON JUDGMENT

WA.Nos.308 AND 316 of 2025



ALLOWING THE WRIT APPEALS WITHOUT COSTS

(12) PA
3/5/25