HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FOURTEENTH DAY OF JULY TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL AND

THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 733 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated 17-02-2024, in WP.No.39994 of 2022. on the file of the High Court.

Between:

Smt. Zainabee, W/o. Late Mannan, Aged about 80 years, Occ ; Household, R/o. Hasanplly(v) Nizamsagar Mandal presently R/o.Yellareddy Village and Mandal, Kamareddy District.

.....APPELLANT/PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Revenue (Assignment) Secretariat, BRKR Bhavan, Lower Tankbund, Hyderabad.
2. The District Collector, Kamareddy District.
3. The Revenue Divisional Officer, Banswada, Kamareddy District.
4. The Tahsildar, Nizam Sagar Mandal, Kamareddy District.
5. The Assistant Director, S and LR, Kamareddy, Kamareddy District.
6. Naziya Sultana, W/o. Mohd. Sharif Aged about Major, Occ. Household, R/o. Hasanplly Village, Nizamsagar Mandal, Kamareddy District.
7. Smt. Begari Rajavva, W/o. Pochaiah, Aged about Major, Occ. Household, R/o. Hasanplly Village, Nizamsagar Mandal., Kamareddy District.
8. Smt.Gousiya Bee, W/o. M.A. Aziz Aged about Major, Occ. Household, R/o. Hasanplly Village, Nizamsagar Mandal, Kamareddy District.

.....RESPONDENTS/RESPONDENTS

I.A.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 direct the Respondent No.2 to re-consider the case of the Petitioner afresh based

on the report submitted by the Tahsildar dt. 23.07.2022 and 24.08.2022, pending disposal of the main writ appeal.

Counsel for the Appellant : SRI AKKAM ESHWAR

Counsel for the Respondent Nos.1 to 5 : SRI D.V.CHALAPATHI RAO, LEARNED GP FOR REVENUE

Counsel for the Respondent Nos.6 to 8 : M/s B.RACHANA REDDY

The Court made the following JUDGMENT : -

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

WRIT APPEAL No.733 of 2025

JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*:

Sri A. Eshwar, learned counsel for the appellant and Sri D.V. Chalapathi Rao, learned Government Pleader for Assignment, for respondent Nos.1 to 5.

2. With the consent, finally heard.

3. Learned counsel for the appellant raised singular submission. By placing heavy reliance on the documents dated 24.08.2022 and 23.07.2022, it is submitted that name of the appellant's husband/ Sri Late Mannan, S/o. Ahmad, is indeed, mentioned in relation to Sy.No.70/5. These two crucial documents, on which the entire case of the appellant /writ petitioner was founded upon, has escaped notice by the learned Single Judge. No reasons, whatsoever, are assigned in the impugned order dated 17.02.2025 as to why the said two documents were not trustworthy. In paragraph No.7 of the impugned order, a bald finding is given that no documentary

evidence has been produced by the appellant, which runs contrary to the record.

4. Learned Government Pleader for Assignment supported the impugned order and submits that paragraph No.7 of the impugned order deals with the contention of the appellant.

5. No other point is pressed by learned counsel for the parties.

6. Paragraph Nos.6 and 7 of the impugned order, on which learned counsel for the parties relied upon read thus:

> "6. A careful perusal of the impugned order dated 12_09.2022 vide No.Ell2755l2022 passed by the respondent No.2 would reveal that in pursuance of the orders dated 13.04.2022 passed by this Court in W.P.No. 19477 of 2022, the respondent No.2 has examined the representation dated 24.12.202I of the petitioner by conducting an enquiry and basing on the report of the respondent No.4-Tahsildar and the explanations submitted by the individuals and also the records available in his office, rejected the request of the petitioner. The penultimate para of the impugned order reads as follows:
>
> > "On verification of the Revenue records, the following facts have been noticed:
> >
> > i. In the Pahani 1973-74, in Sy. No: 70/5, the sharas were written as Padava, which is clearly showing that, since many years (i.e., approximately (48) years) the subject land was not cultivated by the petitioner & her family members.

ii. The Petitioner has not produced/submitted any documentary evidence i.e.. Assignment Patta Certificate, Old PPB etc.

iii. The Asst. Director Survey & Land Records Kamareddy has informed that, the Sub-Division record and Supplementary Sethwar of the subject land has also not been issued.

iv. The petitioner has not claimed the subject land previously for long time, and suddenly in the year 2021 she has preferred her claim over the subject land."

7. The petitioner herein has claimed that her late husband was assigned land admeasuring Ac. 1-05 gts in Sy.No.70/5 of Hasanpally Village, and that his name was reflected in the pahanies for the year 1983-84. However, she failed to produce any substantive documentary evidence such as assignment patta certificate, D-form patta, or old Pattadar Passbook issued under the provisions of the then applicable Telangana Rights in Land and Pattadar Passbooks Act, 1971. As per Section 4 of the said Act, any person who acquires rights over agricultural land .by inheritance, patta, partition, decree or otherwise, is bound to intimate such acquisition to the Mandal Revenue Officer within ninety days. It is evident from the record that neither the husband of the petitioner during his lifetime, nor the petitioner thereafter, had taken steps to apply for mutation under Section 4 of the ROR Act, 1971 for amendment of Record of Rights. There is no explanation offered for the inordinate delay of several decades in asserting the claim over the subject land. When the land in question has remained uncultivated and shown as 'Padava' for nearly 48 years, and when no documents whatsoever were produced to establish the alleged assignment or possession, the petitioner cannot now, after such prolonged delay, claim rights over the property merely on oral assertions."

7. So far, paragraph No.6 of the impugned order is concerned, it is only reproduction of the impugned order of the authority. The findings are given in paragraph No.7 of the

impugned order. A careful reading of paragraph No.7 of the impugned order shows that there is no reference to the aforesaid documents dated 24.08.2022 and 23.07.2022 on which appellant placed heavy reliance. This is minimum when the case of the appellant is based on the aforesaid two documents to discuss as to whether the said documents have any bearing on the claim of the appellant. Putting it differently, in our opinion, if the case of the appellant was totally based on the aforesaid two documents, the said documents should have been examined and a finding in specific should have been recorded as to whether the said documents confer any right in favour of the appellant or not. Thus, we find substance in the argument of learned counsel for the appellant that aforesaid two crucial documents have escaped notice of learned Single Judge in the impugned order and therefore, the impugned order deserves to be axed. We do accordingly.

8. The impugned order dated 17.02.2025 is **set aside**. W.P.No.39994 of 2022 is restored to its original number with the request to the learned Single Judge to rehear the parties and pass a fresh order in accordance with law.

9. With aforesaid and without expressing any opinion on merits of the case, this Writ Appeal is **disposed of**. No costs.

Interlocutory applications, if any pending, shall also stand closed.

SD/- A.V.S.PRASAD
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Department of Revenue (Assignment) Secretariat, BRKR Bhavan, Lower Tankbund, State of Telangana at Hyderabad.
2. The District Collector, Kamareddy District.
3. The Revenue Divisional Officer, Banswada, Kamareddy District.
4. The Tahsildar, Nizam Sagar Mandal, Kamareddy District.
5. The Assistant Director, S and LR, Kamareddy, Kamareddy District.
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
7. One CC to SRI AKKAM ESHWAR, Advocate [OPUC]
8. One CC to M/s B.RACHANA REDDY, Advocate (OPUC)
9. Two CD Copies

SA
TKS

HIGH COURT

DATED:14/07/2025



JUDGMENT

WA.No.733 of 2025

DISPOSING OF THE W.A

WITHOUT COSTS.

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19/7/2025