HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 224 OF 2026

Writ Appeal under clause 15 of the Letters Patent against the order dated 27/11/2025 in W.P.No. 2725 of 2025 on the file of the High Court.

Between:

1. Anemoni Yadaiah, S/o. Late Anemoni Machaiah, Aged 50 Yrs, Occ- Agriculture, H.No. 174, Mekala Bazar, Harijanwada, Chinnadharpalle Village, Hanwada Mandal, Mahabubnagar District, Telangana - 509334.
2. A. Narayana, S/o. Late Anemoni Anthaiah, Aged 50 Yrs, Occ- Agriculture, H.No. 174, Mekala Bazar, Harijanwada, Chinnadharpalle Village, Hanwada Mandal, Mahabubnagar District, Telangana - 509334.

...APPELLANTS

AND

1. The State of Telangana, represented by its Principal Secretary, Department of Revenue, Secretariat, Hyderabad, Telangana.
2. The District Collector, Mahabubnagar District, Telangana.
3. The Revenue Divisional Officer, Mahabubnagar District, Telangana.
4. The Tahsildar, Hanwada Mandal, Mahabubnagar District, Telangana.
5. The Station House Officer, Hanwada Police Station, Mahabubnagar District, Telangana,
6. Syed Musleh Uddin, S/o. Late Syed Nizamuddin, Aged 40 Yrs, Occ- Business. R/o- H.No. 18-272, N.G.O.s Colony, Near RTC Colony, Shadnagar, Rangareddy District.
7. Sri Anemoni Anjanelu, S/o Sri Anemoni Pedda Mashaiah Aged about 45 yrs Occ Agriculture R/o. H. No. 185, Chinna Darpalli (V), Hanwada (M), Mahabubnagar District.
8. Sri Anemoni Venkat Ramulu, S/o Sri Anemoni Pedda Mashaiah, Aged about 35 yrs, 0cc -Agriculture, R/o. H .No. 185, Chinna Darpalli (V), Hanwada (M),Mahabubnagar District.
9. Sri Anemoni Raju, S/o Sri Anemoni Pedda Mashaiah, Aged about 32 yrs Occ Agriculture, R/o. H. No.185, Chinna Darpalli (V), Hanwada (M), Mahabubnagar District.

...RESPONDENTS

IA NO: 1 OF 2026

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 pleased to- i) Stay the operation of the Final Order dated 27.11.2025 passed in W.P. No. 2725 of 2025, pending disposal of this Writ Appeal. ii) Grant an Interim Injunction restraining the Respondents, particularly Respondents 4 to 6, from interfering with the Appellants peaceful possession and enjoyment of the agricultural land admeasuring Ac. 2.21 Gts in Sy. No. 65, situated at Chinnadharpally Village, Hanwada Mandal, Mahabubnagar District, pending disposal of the Writ Appeal. iii) Direct the Respondents to maintain status quo as on the date of the Interim Order (31.01.2025) in respect of the subject land, and pass such other order or orders as this Honble Court may deem fit and proper in the circumstances of the case.

Counsel for the Appellant : SRI SUBRAMANYAM DARABOINA

Counsel for the Respondents No.1to4 : SRI MURALIDHAR REDDY KATRAM, GP FOR REVENUE

Counsel for the Respondent No.5 : SRI MAHESH RAJE, GP FOR HOME

Counsel for the Respondent No.7 : SRI M.SATEESH

Counsel for the Respondent No.6,8&9 : --

The Court made the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.224 of 2026

DATE: 25.02.2026

Between:

Anemoni Yadaiah and another

....Appellants

And

The State of Telangana,
represented by its Principal Secretary,
Department of Revenue, Secretariat,
Hyderabad and 8 others.

....Respondents

JUDGMENT

Heard Sri D.Subramanyam, learned counsel for the appellants; Sri K. Muralidhar Reddy, learned Government Pleader for Revenue appearing for respondent Nos.1 to 4; Sri Mahesh Raje, learned Government Pleader for Home appearing for respondent No.5 and Sri M.Sateesh, learned counsel appearing for respondent No.7.

2. This writ appeal, preferred under Clause 15 of the Letters Patent, assails the order dated 27.11.2025 passed by the learned Single Judge in W.P.No.2725 of 2025. By the said order, the learned Single Judge disposed of the writ petition filed by the appellants herein, who had sought a direction to respondent Nos.2

to 4, to issue Pattadar passbooks in their favour and restraining respondent Nos.2 to 5 from dispossessing them from an extent of Ac.2-21 Gts. in Sy.No.65 of Chinnadharpally Village, Hanwada Mandal, Mahabubnagar District, holding *inter alia* that the dispute involved conflict and competing claims of title and possession, incapable of adjudication in the writ proceedings.

Factual background (in brief)

3. The dispute in the present case pertains to agricultural land admeasuring Ac.4-11 Gts. in Sy.No.65 of Chinnadharpally Village, Hanwada Mandal, Mahabubnagar District. The appellants claim to be the successors-in-interest of Late Anemoni Machaiah and Late Anemoni Anthaiah, who are stated to have been protected tenants in respect of an extent of Ac.2-21 Gts. out of the said land.

4. According to the appellants, the said tenancy rights were reflected in the relevant revenue records, including pahanis and other Village accounts, and upon the demise of their predecessors, they succeeded to the said rights and continued in possession and cultivation of the land.

5. The entire extent of Ac.4-11 Gts. originally stood in the name of Syed Nizamuddin, father of respondent No.6, as pattadar. The case of respondent No.6 is that his father, during his lifetime, executed a registered sale deed dated 22.07.1982 conveying an extent of Ac.2-38 Gts. out of the said survey number in favour of

Late Alimoni Pedda Mashaiah, and that possession of the said land was delivered to the purchaser on the same day. Respondent Nos.7 to 9 claim to be the legal heirs of the said purchaser and assert that they have been in continuous possession and enjoyment of the land for several decades.

6. The record further discloses that the land in question was subject matter of acquisition proceedings initiated in the year 1984 for the purpose of providing house sites to members of the weaker sections. An award was stated to have been passed and compensation was paid to the pattadar, Syed Nizamuddin. Aggrieved by the said acquisition proceedings, Kavali Bheemaiah and Anemoni Machaiah i.e., the predecessor of appellant No.1, approached this Court by filing W.P.No.11917 of 1985.

7. This Court, by order dated 03.04.1986, allowed the said writ petition at admission stage and quashed the notification issued under Section 4(1) of the Land Acquisition Act, *inter alia* observing that the petitioners therein were small farmers claiming protected tenancy rights over the land.

8. The appellants assert that they have been in continuous possession and cultivation of the extent of Ac.2-21 Gts. and allege that on 20.01.2025 and again on 25.01.2025, the revenue authorities, accompanied by respondent No.6 and police personnel, attempted to interfere with their possession and sought to

dispossess them. Alleging such interference and apprehending further coercive action, the appellants instituted W.P.No.2725 of 2025 seeking protection of their possession and issuance of pattadar passbooks in their favour.

9. In the said writ petition, an interim order of *status quo* dated 31.01.2025 was granted. Respondent No.6 filed a counter affidavit disputing the claim of the appellants, asserting the title of his father and the sale in favour of Alimoni Pedda Mashaiah, and contending that the appellants neither possess title nor lawful possession over the land.

10. Subsequently, respondent Nos.7 to 9, claiming to be the legal heirs of the said purchaser, filed an application *vide* I.A.No.03 of 2025 seeking impleadment and vacating of the interim order, asserting their independent right, title and possession over the land purchased under the sale deed dated 22.07.1982. They also referred to certain criminal proceedings said to have arisen between the parties in relation to the dispute.

11. The learned Single Judge, upon hearing the parties, disposed of W.P.No.2725 of 2025 by order dated 27.11.2025, holding as under:

a. The petitioners' allegation of attempted dispossession by the official respondents was not substantiated;

b. Respondent No.4 had categorically stated that no such interference was undertaken or contemplated, and the said assertion remained unrebutted;
c. In the absence of any demonstrable threat or illegal action, no violation of Articles 21 or 300-A of the Constitution of India was made out;
d. The dispute concerned to contested questions of title and possession, which cannot be adjudicated in writ proceedings under Article 226 of the Constitution of India; and
e. The statement made on behalf of respondent No.4 that there was no intention to dispossess the petitioners was recorded.

12. Aggrieved by the said order, the present writ appeal has been filed.

Submissions on behalf of the appellants

13. Learned counsel appearing for the appellants assailed the order dated 27.11.2025 passed by the learned Single Judge and has advanced submissions as under:

i. That the appellants are the successors of protected tenants recognised under the Hyderabad Tenancy and Agricultural Lands Act, 1950 (for short 'Tenancy Act'). That by virtue of Section 38-E of the said Act, ownership of the land stands statutorily transferred to the protected tenants from the notified date.

ii. That a certificate issued under Section 38-E constitutes conclusive evidence of ownership as against the landholder and persons claiming through him and therefore, the learned Single Judge erred in treating the dispute as one involving contested title.

iii. Reliance was placed on the order dated 03.04.1986 passed by this Court in W.P.No.11917 of 1985, wherein the acquisition proceedings in respect of the subject land were quashed, which recognised the status of the appellants' predecessors as protected tenants and small farmers, and the findings recorded therein ought to have been given due weight by the learned Single Judge.

iv. That under Section 6 of the Telangana Rights in Land and Pattadar Passbooks Act, 2020 (for short '2020 Act'), the Tahsildar is under a statutory obligation to maintain the record of rights correctly, and that once ownership is deemed to have vested in the protected tenants by operation of Section 38-E of the Tenancy Act, the revenue authorities are bound to update the revenue records and issue pattadar passbooks accordingly.

v. That any alienation by the landholder in favour of a third party without complying with the procedure prescribed under Section 38-D of the Tenancy Act, particularly the requirement of offering the land to the protected tenant, would be void, and; that the registered sale deed dated 22.07.1982, relied upon by the private respondents, cannot defeat the statutory rights of the appellants.

vi. That the interim order dated 31.01.2025 recorded the existence of standing paddy crop in the land indicated possession of the appellants. It was contended that the learned Single Judge did not adequately consider this circumstance while concluding that no threat of dispossession was made out.

vii. That the writ petition was primarily directed against the revenue authorities seeking enforcement of their statutory duties, and the presence of private parties claiming through an allegedly invalid transaction was not indispensable.

viii. That Section 99 of the Telangana Tenancy Act bars the jurisdiction of civil Courts in matters which the authorities under the Act are empowered to determine.

On that basis, it was argued that the appellants ought not to have been relegated to the remedy of a civil suit.

Submissions on behalf of the Official Respondents (Respondent Nos.1 to 5)

14. Learned Government Pleader for Revenue and learned Government Pleader for Home appearing for respondent Nos.1 to 5 supported the order dated 27.11.2025 passed by the learned Single Judge and have advanced their submissions as under:

i. That the allegation of attempted dispossession by the appellants was not supported by any material. It was pointed out that respondent No.4 had clearly stated in the counter affidavit that no coercive action was either taken or contemplated.

ii. That the dispute raised by the appellants essentially involves questions relating to title, tenancy rights and possession, which are seriously disputed between the parties, which cannot be effectively adjudicated in proceedings under Article 226 of the Constitution of India.

iii. That the order passed in W.P.No.11917 of 1985 was rendered at the admission stage and merely quashed the land acquisition notification, and the said order did

not conclusively determine the title or tenancy rights of the parties.

Submissions on behalf of Respondent No.6

15. Learned counsel for the respondent No.6 has advanced his submissions as under:

i. That the land originally belonged to Syed Nizamuddin, the pattadar, who had validly alienated an extent of Ac.2.38 Gts. in favour of Alimoni Pedda Mashaiah under a registered sale deed dated 22.07.1982, and that possession was delivered to the purchaser.

ii. That the purchaser and his legal heirs, namely respondent Nos.7 to 9, have been in continuous possession and enjoyment of the land for several decades and that their names are reflected in the relevant revenue records.

iii. That any adjudication affecting the land would directly impact the rights of respondent Nos.7 to 9, who claim through the said sale transaction, and therefore, their presence in the proceedings, is necessary.

Submissions on behalf of Respondent Nos.7 to 9

16. Learned counsel for respondent Nos.7 to 9 has advanced the submissions as under:

i. That they are the legal heirs of Alimoni Pedda Mashaiah, the purchaser under the sale deed dated 22.07.1982, and that they have been in possession and cultivation of the land for several years.

ii. That there are criminal cases pending between the parties, including FIR No.83 of 2022 filed by respondent No.7 against the appellants for offences under Sections 324, 323, 504 read with 34 IPC, and FIR No.12 of 2025 filed by respondent No.6 against the appellants, which according to the respondents indicates the existence of a serious dispute regarding possession.

iii. That the appellants are attempting to take advantage of the similarity in name, Anemoni Machaiah i.e., the father of 1st appellant and Alimoni Pedda Mashaiah i.e., the father of respondent Nos.7, 8 and 9 to lay a false claim over land that belongs to them.

iv. That disputes involving title and possession of immovable property ought to be resolved before the competent civil forum and not in proceedings under Article 226 of the Constitution.

17. We have taken note of the respective contentions urged and perused the material on record.

Consideration by this Court

18. The cornerstone of the appellants case is that they are successors of "protected tenants" and that by virtue of Section 38-E of the Tenancy Act, ownership of the land stood statutorily vested in their predecessors. On that basis, it is contended that the revenue authorities are bound to recognise their title and issue pattadar passbooks. However, it is to be noted that Section 38-E of the Tenancy Act being a beneficial provision contemplates vesting of ownership in favour of protected tenants with effect from the notified date. The provision reads as under:

> ***Section 38-E. Ownership of lands held by protected tenants to stand transferred to them from a notified date.***
>
> *(1) Notwithstanding anything in this Chapter or any law for the time being in force or any custom, usage, judgment, decree, contract or grant to the contrary, the Government may, by notification in the Telangana Gazette, declare in respect of any area and from such date as may be specified therein, that ownership of all lands held by protected tenants which they are entitled to purchase from their land-holders in such area under any provision of this Chapter shall, subject to the condition laid down in subsection (7) of section 38, stand transferred to and vest in the protected tenants holding them and from such date the protected tenants shall be deemed to be the full owners of such lands:*
>
> *Provided that where in respect of any such land, any proceeding under section 19 or section 32 or section 44 is pending on the date so notified, the transfer of ownership of such land shall take effect on the date, on which such proceeding is finally decided, and when the tenant retains possession of the land in accordance with the decision in such proceeding.*
>
> *Explanation:- If a protected tenant, on account of his being dispossessed otherwise than in the manner and by order of the Tahsildar as provided in section 32, is not in possession of the land on the date of the notification issued hereunder, then for the purposes of this sub-section, such protected tenant shall, notwithstanding any judgement, decree or order of any Court, or the order of the Board of Revenue or Tribunal or other authority, be*

deemed to have been holding the land on the date of the notification; and accordingly, the Tahsildar shall notwithstanding anything contained in the said section 32, either suo motu or on the application of the protected tenant hold a summary enquiry, and direct that such land in possession of the landholder or any person claiming through or under him in that area, shall be taken from the possession of the landholder or such person, as the case may be, and shall be restored to the protected tenant and the provisions of this section shall apply thereto in every respect as if the protected tenant had held the land on the date of such notification.

(2) A certificate in the prescribed form declaring him to be owner shall be issued by the Tribunal after holding such enquiry as may be prescribed, to every such protected tenant and notice of such issue shall simultaneously be issued to the landholder. Such certificate shall be conclusive evidence of the protected tenant having become the owner of the land with effect from the date of the certificate as against the landholder and all other persons having any interest therein:

[Provided that where the land, the ownership of which has been transferred to the protected tenant under subsection (1), is in the occupation of a person other than the protected tenant or holder of the certificate issued under this sub-section, it shall be lawful for the Tahsildar to restore the possession of the said land to the protected tenant or holder of the certificate, after giving notice of eviction to the occupant thereof, in the prescribed manner.]

(3) Within ninety days from the date of notice of issue of the certificate under sub-section (2), every land-holder of lands situated in the area specified in the notification under sub-section (1), shall file an application before the Tribunal for the determination of the reasonable price of his interest in the land which has been transferred to the ownership of a protected tenant under sub-section (1), and if an application is not so filed within such period by the landholder, the Tribunal may suo-motu proceed to determine such price and thereupon all the provisions of sub-section (4) to (8) of section 38 shall mutatis mutandis apply to such application: Provided that if the protected tenant commits default in respect of any instalment, it shall be recovered by the Government as arrears of land revenue and paid to the landholder:

Provided further that if the whole or any part of the price due to the landholder cannot be recovered as arrears of land revenue the transfer shall not be effective and the amount, if any, already paid by the protected tenant towards the price shall be refunded to him together with interest at three percent per annum and the land revenue paid by him, if any, after deducting therefrom the rent for the period.

(4) The Government may, for the purpose of giving effect to the provisions of this section, by rules, make such supplemental,

incidental and consequential provisions as they may deem necessary, such as the procedure for making inquiry to ascertain the extent of the holding of the tenant as on the notified date and the extent of the land which is to be deemed to have been transferred to and vested in the protected tenants.]

[(5) Notwithstanding anything contained in this section or section 19, the Collector may, suo-motu at any time, hold an enquiry with a view to ascertain the genuineness of the surrender of the right made by the protected tenant under clause (a) of sub-section (1) of section 19, for the purpose of effecting the transfer of ownership under this section, and pass such order in relation thereto as he may think fit: Provided that no order adversely affecting any person shall be passed under this sub-section unless such person has had an opportunity of making his representation thereto.]

19. A plain reading of the aforesaid provision indicates that the vesting of title is statutory and automatic. However, a fundamental pre-requisite for the operation of Section 38-E of the Tenancy Act is the existence of the status of a "protected tenant" on the relevant date. Such status cannot rest upon a mere assertion by a party, but must be established in accordance with the provisions of the Tenancy Act, either by appropriate entries in the record of rights or by a declaration made by the competent authority under Section 32 or other applicable provisions of the Act.

20. It is also to be noted that the present dispute is clearly multi-layered for the following reasons:

i) The appellants assert their claim under the provisions of the Tenancy Act, relying upon certain pre-existing revenue records to contend that their predecessors were protected tenants.

ii) Respondent No.6, on the other hand, traces title to the original pattadar and places reliance on a registered sale deed dated 22.07.1982.

iii) Respondent Nos.7 to 9 claim through the said purchaser and assert that they and their predecessor have been in continuous possession and cultivation of the land for more than four decades.

As noted above, each of the parties relies upon different sets of revenue records in support of their respective claims. In this backdrop, the controversy necessarily involves examination of the true nature and evidentiary value of the entries in the 1972-73 pahani, the legal effect of the registered sale deed of the year 1982, the impact of such transaction, if any, on the alleged tenancy rights, and the nature and continuity of the possession claimed by the rival parties. These issues are essentially disputed questions involving both fact and law. Their determination would require a detailed examination of oral and documentary evidence and an adjudication after framing appropriate issues. Such an exercise cannot appropriately be undertaken in proceedings under Article 226 of the Constitution, where the Court exercises summary jurisdiction. The proper forum for resolution of such disputes relating to title and possession is the competent civil Court.

21. The Hon'ble Supreme Court in ***Roshina T. v. Abdul Azeez K.T.***[1], has held as under:

> *14. It has been consistently held by this Court that a regular suit is the appropriate remedy for settlement of the disputes relating to property rights between the private persons. The remedy under Article 226 of the Constitution shall not be available except where violation of some statutory duty on the part of statutory authority is alleged. In such cases, the Court has jurisdiction to issue appropriate directions to the authority concerned. It is held that the High Court cannot allow its constitutional jurisdiction to be used for deciding disputes, for which remedies under the general law, civil or criminal are available. This Court has held that it is not intended to replace the ordinary remedies by way of a civil suit or application available to an aggrieved person. The jurisdiction under Article 226 of the Constitution being special and extraordinary, it should not be exercised casually or lightly on mere asking by the litigant. (See Mohan Pandey v. Usha Rani Rajgaria [Mohan Pandey v. Usha Rani Rajgaria, (1992) 4 SCC 61] and Dwarka Prasad Agarwal v. B.D. Agarwal [Dwarka Prasad Agarwal v. B.D. Agarwal, (2003) 6 SCC 230] .)*
>
> *(emphasis supplied)*

22. Further, the question as to whether the predecessors of the appellants were in fact "protected tenants" on the notified date, and whether such status, if any, survived the alleged sale transaction of 1982, constitutes a mixed question of fact and law requiring a detailed examination of evidence. The validity and effect of the sale deed, the evidentiary value of the revenue entries, and the nature and continuity of possession are all matters which necessitate a full-fledged trial. Such an enquiry cannot appropriately be undertaken in the writ proceedings.

---

[1] (2019) 2 SCC 329

23. The appellants have placed considerable reliance on the order dated 03.04.1986 passed in W.P.No.11917 of 1985, wherein it was observed as under:

> *The petitioners who are admittedly protected tenants allege that they are small farmers and their lands are sought to be acquired. No counter is filed. Substance, no doubt, has been published in time. But the protected tenants, under the Hyderabad Tenancy and Agricultural Lands Act with the advent of the enactment of Section 38-E, are declared to be the owners and, therefore, they are very much the persons interested in the land and hence they can take plea of small farmers. Since small farmers land cannot be acquired. Section 4(1) notification is bad and it is quashed. The other points need not be discussed. The writ petition is allowed. No costs.*

24. On perusal of the above order, it is necessary to appreciate the context and the limited scope of the said order. The writ petition was instituted challenging the land acquisition proceedings initiated by the State. The petitioners therein (one of whom was the father of 1st appellant) questioned the acquisition primarily on the ground that they were protected tenants and small farmers and that their lands were not liable to be acquired. The order appears to have been passed at the admission stage, without a counter-affidavit being filed. It did not purport to finally or conclusively determine the petitioners' title or protected tenancy status as against all persons, particularly the private parties who were not impleaded in the said proceedings.

25. It is pertinent to note that the Doctrine of *Res Judicata* applies only to issues which have been directly and substantially

adjudicated upon merits between the same parties or their privies. The order passed in the year 1986 was primarily concerned with the validity of the acquisition notification. Any observation made therein with regard to the petitioners' status as "admittedly protected tenants" was in the context of granting relief against the acquisition proceedings. Such observations cannot be construed as a final and binding declaration of protected tenancy rights in a subsequent and independent dispute with private parties claiming title under a registered sale deed.

26. It is a settled principle that a judgment must be read in the context of the controversy which it was intended to resolve. The dispute in the year 1986 was between the alleged tenants and the State in relation to land acquisition proceedings, whereas the present dispute is between the appellants and the legal heirs of a purchaser claiming under a registered sale deed of the year 1982. The parties, the cause of action, and the issues involved are materially distinct. Consequently, the order dated 03.04.1986 cannot operate as *res judicata* in the present proceedings. At best, it may constitute a piece of material which the competent civil Court may examine in appropriate proceedings, but it cannot be treated as a conclusive adjudication binding upon respondent Nos.6 to 9.

27. Further, the objection regarding non-joinder of necessary parties cannot be treated as a mere technicality, but goes to the root of the matter. A 'necessary party' is one in whose absence no effective or enforceable order can be passed. In disputes concerning immovable property, persons who claim title and assert possession over the property in question are ordinarily necessary parties to the proceedings. In the present case, respondent Nos.7 to 9 are the legal heirs of the person who is stated to have purchased the land under a registered sale deed of the year 1982. They claim independent title through the said transaction and assert that they are in actual possession and cultivation of the land. It is their specific case that they have developed the land by digging a borewell, obtaining an electricity connection and cultivating the same. They have also brought to the notice of the Court the existence of criminal proceedings between the parties arising out of the present dispute.

28. Considering the above facts, if any direction is issued in the present writ petition for issuance of pattadar passbooks in favour of the appellants, it would necessarily have a direct bearing on the rights asserted by respondent Nos.7 to 9. Such a direction would, in effect, recognise the appellants as the persons entitled to the land which the said respondents claim as their own. Passing any such order without affording them an opportunity of hearing would run contrary to the principles of natural justice.

29. It is to be noted that the contention of the appellants that respondent Nos.7 to 9 are not necessary parties on the ground that the relief sought is only against the State authorities cannot be accepted. The relief sought, namely issuance of pattadar passbooks, carries with it a declaration of entitlement to the property and would inevitably affect the rights claimed by the private respondents. Therefore, respondent Nos.7 to 9 are clearly necessary and proper parties to the proceedings.

30. It is also apposite to note that the learned Single Judge, upon considering the pleadings and material on record, found that the allegation of attempted dispossession by the official respondents was not substantiated. It was also recorded that the official respondents had categorically stated that no steps were taken or contemplated to dispossess the petitioners. In such circumstances, the learned Single Judge found no subsisting cause of action for issuance of a writ of *mandamus*. The said approach cannot be faulted. When the State authorities state on record that no coercive action is being taken, the basis for invoking the writ jurisdiction on the ground of threatened dispossession substantially weakens. A writ cannot ordinarily be issued on the basis of a mere apprehension unsupported by material indicating an imminent violation of rights.

31. Further, the interim order dated 31.01.2025, recording the existence of standing crops, was only a *prima facie* observation made for the purpose of granting *status quo* and cannot be construed as a determination of the appellants' rights over the land. In these circumstances, the learned Single Judge was justified in disposing of the writ petition, leaving it open to the parties to seek appropriate remedies before the competent forum. In view of the above, we find no infirmity in the reasoning or the conclusion of the learned Single Judge warranting interference by this Court.

Conclusion

32. For the foregoing reasons, we are of the considered view that the appellants' claim of protected tenancy and consequential vesting of title under Section 38-E of the Tenancy Act is seriously disputed and involves complex questions relating to title and possession, which cannot be adjudicated in proceedings under Article 226 of the Constitution. In these circumstances and particularly in view of the statement of the official respondents in W.P.No.2725 of 2025 that no steps were being taken to dispossess the appellants (petitioners), we find no error in the approach adopted by the learned Single Judge warranting interference in the present writ appeal.

33. Accordingly, the Writ Appeal is dismissed. The order dated 27.11.2025 passed in W.P.No.2725 of 2025 is affirmed. It is clarified that dismissal of the present writ appeal shall not preclude the appellants from working out their remedies before the competent civil Court for appropriate reliefs in respect of the subject property. All questions of fact and law are left open to be decided by the civil Court in accordance with law, without being influenced by any observations made in the impugned order or in this judgment.

As a sequel, miscellaneous petitions, pending if any, stand closed. No costs.

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

//TRUE COPY//

SECTION OFFICER

To,

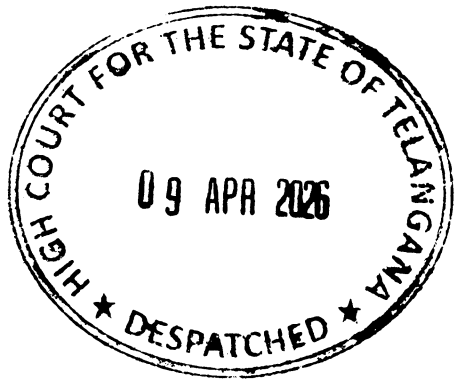
1. One CC to SRI SUBRAMANYAM DARABOINA, Advocate. [OPUC]
2. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
3. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI M.SATEESH, Advocate. [OPUC]
5. Two CD Copies.

BSK

BS

HIGH COURT

DATED:25/02/2026



JUDGMENT

WA.No.224 of 2026

DISMISSING THE WRIT APPEAL
WITHOUT COSTS

9 copies
fr
1/4/26