

Padmashali Seva Sangam Society vs The State Of Telangana on

22 September, 2025

THE HON'BLE SRI JUSTICE E.V.VENUGOPAL

WRIT PETITION No.5145 OF 2020

ORDER :

This Writ Petition is filed seeking a Writ of Certiorari to call for the records pertaining to the order

of the Joint Collector, Jagtial District (2nd respondent), dated 20.01.2020 in Revision Petition No.

D1/571/2019, and to quash the same as illegal, arbitrary, and violative of the provisions of the

Telangana Rights in Land and Pattadar Pass Books Act, 1971, and the Rules made thereunder.

2. Heard Sri Vedula Srinivas, learned Senior Counsel representing Sri M.Bharath Chandra, learned

counsel for the petitioner, Sri H.Rakesh Kumar, learned Assistant Government Pleader representing

learned Government Pleader for Revenue appearing for respondent Nos.1 to 4 and Sri G.Purushotham Reddy, learned counsel for the 5th respondent.

3. Briefly, the case of the petitioner is that the petitioner society purchased land to an extent of

Ac.0.23 guntas in Sy.No.105, situated at Raikal Village, for a total consideration of Rs.5,200/-, and

took possession from the 5th respondent on 10.05.1978 under an unregistered sale deed for the

purpose of using it as a cremation ground. Since the date of purchase, the petitioner has been in

possession and enjoyment of the said land, and the petitioner's name has been recorded in the

pahanies for the years 2005-2006 and 2006-2007.

4. While so, the 5th respondent filed a suit in O.S.No.256 of 2007 on the file of the Principal Junior

Civil Judge, Jagtial, seeking perpetual injunction in respect of Acs.4.11 guntas in Sy.No.105/A of

Raikal Village (hereinafter referred to as the 'subject property'). After trial, the said suit was

dismissed by judgment and decree dated 13.09.2012 on the ground that the 5th respondent failed to

prove possession over the suit schedule property. Aggrieved by the said judgment, the 5th respondent filed an appeal in A.S.No.22 of 2012 on the file of the II Additional District Judge,

Jagtial. The said appeal was also dismissed by judgment and decree dated 27.08.2013 on the ground

that the petitioner herein is in possession of the subject land.

5. The petitioner herein filed a suit in O.S.No.31 of 2008 on the file of the Principal Junior Civil

Judge, Jagtial, against the 5th respondent seeking specific performance of the contract of sale based

on the unregistered sale deed dated 10.05.1978 in respect of the subject property. The trial Court,

while holding that an unregistered sale deed was executed by the 5th respondent in favour of the

petitioner, dismissed the suit on the ground that it was barred by limitation. Aggrieved by the said

judgment, the petitioner filed A.S.No.43 of 2013 on the file of the II Additional District Judge,

Jagtial. The said appeal was also dismissed on the ground of limitation; however, the finding of the

trial Court regarding the execution of the unregistered sale deed in favour of the petitioner was

upheld. Padmashali Seva Sangam Society vs The State Of Telangana on 22 September, 2025

6. Subsequently, the 5th respondent filed a representation dated 10.02.2017 before the 3rd

respondent, seeking removal of the petitioner's name from the possession column and for recording

his own name. The 3rd respondent treated the said representation as an appeal under Section 158 of

the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli, in B/950/2018, and after

hearing both parties, dismissed the appeal by order dated 18.03.2019. Aggrieved by the said order,

the 5th respondent filed a revision under Section 166- B of the Andhra Pradesh (Telangana Area)

Land Revenue Act, 1317 Fasli, read with Section 9 of the Telangana Rights in Land and Pattedar

Pass Books Act, 1971, before the 2nd respondent, who allowed the same by order dated 20.01.2020

in File No.D1/571/2019. Aggrieved by the said order, the present Writ Petition is filed.

7. Learned Senior Counsel appearing on behalf of the petitioner submits that the 3rd respondent

erred in treating the representation filed by the 5th respondent as an appeal under Section 158 of

the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli, in the absence of any prior

order passed by the Tahsildar/4th respondent or any revenue officer. He further submits that

although the suit filed by the 5th respondent in O.S.No.256 of 2007, seeking perpetual injunction,

was dismissed and the said dismissal was confirmed in appeal by judgment dated 27.08.2013 in

A.S.No.22 of 2012, the 2nd respondent erroneously confirmed the title of the 5th respondent in the

impugned order.

8. He contends that the 3rd respondent ought not to have entertained the representation of the 5th

respondent as an appeal in the first instance. He also submits that the findings of the 2nd

respondent with respect to the title of the 5th respondent are contrary to the findings recorded by

both the Trial Court and the Appellate Court in O.S.No.31 of 2008 and A.S.No.43 of 2013,

respectively. He argues that the 2nd respondent failed to properly appreciate the technical objection

raised by the petitioner herein regarding the maintainability of the representation before the 3rd

respondent as an appeal.

9. Moreover, he submits that although the 2nd respondent, in the impugned order, observed that

the revenue records must be in conformity with the orders of the Civil Court, he nonetheless

erroneously directed that the name of the 5th respondent be restored in the revenue records in

respect of the subject property. Hence, the petitioner seeks to have the impugned order set aside.

10. On the other hand, the learned Assistant Government Pleader for Revenue, as well as the learned

counsel for the 5th respondent, submit in unison that the 2nd respondent, after hearing both parties

and upon perusal of the material on record, has rightly and appropriately passed the impugned

order directing incorporation of the 5th respondent's name in the revenue records.

11. They further submit that the suit filed by the petitioner in O.S.No.31 of 2008 for specific performance was dismissed by the Trial Court, and the appeal filed by the petitioner against the said

judgment was also dismissed by the II Additional District Judge, Karimnagar in A.S.No.43 of 2013,

wherein the title of the 5th respondent was upheld. Therefore, they contend that there is no illegality

or infirmity in the order passed by the 2nd respondent and pray for dismissal of the writ petition. Padmashali Seva Sangam Society vs The State Of Telangana on 22 September, 2025

12. Having heard the learned Senior Counsel for the petitioner, the learned Assistant Government

Pleader for Revenue, and the learned counsel for the 5th respondent, and upon perusal of the

material placed before this Court, it is evident that the representation filed by the 5th respondent on

10.02.2017 was erroneously treated as an appeal by the 3rd respondent under Section 158 of the

Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli. For the sake of convenience, the

same is extracted hereunder:

"158. Appeal from order of Revenue officer.

(1) Except as otherwise provided in this Act or any other law for the time being in force, an appeal shall lie against any decision or order passed by a Revenue officer under this Act or any other law for the time being in force, to his immediate superior officer, whether such decision or order may have been passed in the exercise of original jurisdiction or on appeal. Explanation. - For the purposes of this section superior officer with reference to the and orders of Tahsildars shall mean the [*] [Amended by Act No.III of 1355 F.] [Collector] [Substituted for 'Taluqdar' by the A.P.A.O. 1957.] [*] [Amended by Act No.III of 1355 F.] concerned, or the [Deputy or Assistant [***] [Substituted for the words 'Duwam Taluqdar (Second Taluqdar)' by the A.P.A.O. 1957.] Collector] entrusted with the control of the Taluqa and specially invested by the [Government] [Amended by Act No.III of 1308 F.] with powers to hear appeals against the decisions and orders of Tahsildars subordinate to him.

(2) [Subject to the provisions of [the Telangana Board of Revenue Regulation, 1358 F, (Regulation LX of 1358F.)], an appeal shall lie to the Government from any decision or order passed by a Collector or Settlement Commissioner except in the case of any decision or order passed by such officer on second or third appeal] [Sub-section (2) substituted by the A.P.A.O. 1957.].

(3) When on account of promotion or change of designation, an appeal against any decision or order lies under this section to the same officer who has originally passed the decision or order appealed against, the appeal shall lie to the officer competent

under this section to hear appeals against the decisions of the said officer. (4)[
Subject to the provisions of the Telangana Board of Revenue Regulation, 1358 F'
(Regulation LX of 1358F.), if any decision or order is varied or reversed on revision or
review in accordance with the provisions hereinafter laid down, an appeal shall lie
from the order passed on such revision or review as if such order were an original
order or decision] [Sub-section (4) substituted by the A.P.A.O. 1957]."

13. As per sub-section (1) of Section 158 of the Andhra Pradesh (Telangana Area) Land
Revenue Act,

1317 Fasli, except as otherwise provided in this Act or any other law for the time being in
force, an

appeal shall lie against any decision or order passed by a Revenue Officer under this Act
or any other

law for the time being in force, to his immediate superior officer, whether such decision or
order was

passed in the exercise of original jurisdiction or on appeal. Padmashali Seva Sangam
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14. In the present case, the 3rd respondent, without there being any decision or order passed by a

Revenue Officer, much less by any official of the Revenue Department, erroneously treated the

representation of the 5th respondent as an appeal and passed orders, which is contrary to the

statutory scheme and therefore unsustainable.

15. That apart, the 2nd respondent entertained the revision petition filed by the 5th respondent

against the order passed by the 3rd respondent and passed the impugned order under Section 166-B

of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli, read with Section 9 of the

Telangana Rights in Land and Pattadar Pass Books Act, 1971. For the sake of convenience,

Section 166-B of the Act, 1317 Fali, is extracted hereunder:

"166B. Revision.

(1)[Subject to the provisions of [the Telangana Board of Revenue Regulation, 1358 F.], the Government] [Substituted for the word 'Sarkari-i-Aali' (The Government) by the A.P.A.O. 1957.] or any Revenue officer not lower in rank to a [Collector] [Substituted for 'Taluqdar' by the A.P.A.O. 1957.] the [Settlement Commissioner] [Substituted for the words 'Nazim Paimaish Bandobast, Nazim Land Records' (Commissioner of Survey Settlement, Commissioner of Land Records) by the A.P.A.O. 1957.] of Land records may call for the record of a case or proceedings from a subordinate department and inspect it in order to satisfy himself that the order or decision passed or the proceedings taken is regular, legal and proper and may make suitable order in that behalf: Provided that no order or decision affecting the rights of the raiyot shall be modified or annulled unless the concerned parties are summoned and heard. (2) Every Revenue officer lower in rank to a [Collector] [Substituted for 'Taluqdar' by the A.P.A.O. 1957.] or [Settlement Commissioner] [Substituted for the words 'Nazim Paimaish Bandobast, Nazim Land Records' (Commissioner of Survey Settlement, Commissioner of Land Records) by the A.P.A.O. 1957.] may call for the records of a case or proceedings from a subordinate department and satisfy himself

that the order or decision passed or the proceedings taken is regular, legal and proper and if, in his opinion, any order or decision or, proceedings should be modified or annulled, he shall put up the file of the case with his opinion to the [*] [Amended by Act No.III of 1355 Fasli.] [Collector] [Substituted for 'Taluqdar' by the A.P.A.O. 1957.] [*] [Amended by Act No.III of 1355 Fasli.] or [Settlement Commissioner] [Substituted for the words 'Nazim Paimaish Bandobast, Nazim Land Records' (Commissioner of Survey Settlement, Commissioner of Land Records) by the A.P.A.O. 1957.] as the case may be. Thereupon the [*] [Amended by Act No.III of 1355 Fasli.] [Collector] [Substituted for 'Taluqdar' by the A.P.A.O. 1957.] [*] [Amended by Act No.III of 1355 Fasli.] or [Settlement Commissioner] [Substituted for the words 'Nazim Paimaish Bandobast, Nazim Land Records' (Commissioner of Survey Settlement, Commissioner of Land Records) by the A.P.A.O. 1957.] may pass suitable order under the provisions of sub-section (1).Padmashali Seva Sangam Society vs The State Of Telangana on 22 September, 2025

(3) The original order or decision or an authentic copy of the original order or decision sought to be revised shall be filed along with every application for revision."

16. As per Section 166-B of the Act, the Collector is the competent authority to entertain the revision

petition filed by the 5th respondent. However, the 2nd respondent, without exercising the powers

vested in him, has usurped the powers of the Collector, who is the competent authority under

Section 166-B of the Act. The 2nd respondent/Joint Collector erred in arriving at the conclusion and

passing the impugned order allowing the revision petition filed by the 5th respondent, which is

therefore illegal.

17. In view of the foregoing, the impugned order dated 20.01.2020 passed by the 2nd respondent in

Revision Petition No.D1/571/2019 is hereby set aside.

18. The 5th respondent is granted liberty to file an appropriate application under the provisions of

the Bhu Bharathi Act, 2025 before the competent authority, in accordance with law, within a period

of four weeks from the date of receipt of a copy of this order. The competent authority is directed to

consider and dispose of the said application strictly in accordance with law and as expeditiously as

possible. Meanwhile, both the petitioner and the 5th respondent shall maintain the status quo as

existing on the date of this order in respect of the subject property.

19. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. As a sequel,

miscellaneous petitions, if any, pending, shall stand dismissed.

E.V.VENUGOPAL, J Dated : 22-09-2025 KVSPadmashali Seva Sangam Society vs The State Of Telangana on 22 September, 2025