

**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 VAKITI RAMAKRISHNA REDDY

WRIT APPEAL Nos.781, 840 AND 841 OF 2026

Dated: 22.09.2026

WRIT APPEAL No.781 of 2026
(CNR No.HBHC010234832026)

BETWEEN:

The State of Telangana, Rep. by its
Principal Secretary, Revenue Department,
Secretariat Buildings, Secretariat,
Hyderabad & others

... Appellants

AND

Sri Kolan Rukka Reddy and others

... Respondents

WRIT APPEAL No.840 of 2026
(CNR No.HBHC010234892026)

Between:

The State of Telangana, Rep. by its
Principal Secretary, Revenue Department,
Secretariat Buildings, Secretariat,
Hyderabad & others

...Appellants

AND

M/s. Vinayak Developers, A registered partnership
Fir rep. by its Partner Sri Perala Narsing Rao

...Respondents

WRIT APPEAL No.841 of 2026
(CNR No.HBHC010234852026)

Between:

The State of Telangana, Rep. by its
Principal Secretary, Revenue Department,
Secretariat Buildings, Secretariat,
Hyderabad & others

...Appellants

AND

Sri Kolan Rukka Reddy and others

...Respondents

COMMON ORDER:

Since the parties, the facts, and the questions of law arising in these three intra-court appeals are common, all three being directed against a common order dated 29.01.2026 passed by the writ court in W.P.Nos.10920, 11110 and 11897 of 2020, they were heard together and are disposed of by this common order. W.A.No.781 of 2026, arising out of W.P.No.11897 of 2020, which was itself treated as the lead matter before the writ court, is treated as the lead appeal, and the facts narrated therein, being common to the connected appeals, are set out below.

2. Heard Mr. Pottigari Sridhar Reddy, learned Special Government Pleader attached to the office of the learned Advocate General, for the appellants; and Mr. Raja Sripathi Rao, learned Senior Counsel, instructed by Mr. Akhil Munnuri, learned counsel, for the respondents. Perused the record.

BRIEF FACTS

3. The land in dispute is an extent of Ac.13.14 guntas comprised in Sy.No.325 of Nizampet Village, Bachupally Mandal (formerly Quthbullapur Mandal), Medchal-Malkajgiri District (formerly Ranga Reddy District). Respondent No.1 and the fathers/grandfather of respondent Nos.2 to 10 claim to have been allotted the land under the Laoni Rules, 1950, on payment of Rs.201.72 each towards upset value, to an extent of Ac.4.18 guntas apiece; that pahanies, pattadar pass books and title deeds came to be issued to them under the A.P. Rights in Land and Pattadar Pass Books Act, 1971; and that, on the demise of the original allottees, the land devolved on respondent Nos.2 to 10, whose names were mutated as pattadars in the revenue records, including through Faisal Patti of 1960.

4. It is not in dispute that respondent No.1 and one K. Chandra Reddy sold a part of the land, vide registered sale deed dated 22.03.1996, to third parties, who in turn sold an extent of Ac.2.00 to Vignan Vidyalaya Limited for educational use, and that structures were raised on the land by legal heirs of the other allottees during 1990. In October, 2015, the appellant No.4 (Tahsildar) initiated steps to resume the land and issued Form-I notice dated 23.11.2015.

Being, aggrieved by the aforesaid notice, the respondents herein filed W.P.No.39984 of 2015, which was disposed of on 09.12.2015 with a direction to the Tahsildar to consider their reply and pass a reasoned order in accordance with law. In compliance, the Tahsildar passed order dated 07.01.2016 holding that the respondents were pattadars in possession of the land inherited from their fore-fathers, that the assignment was under the Laoni Rules, 1950, which confers absolute title with a right of alienation, that the Telangana Assignment (Prohibition of Transfers) Act, 1977 ("the POT Act") had no application, and accordingly withdrew the Form-I notice.

5. More than four years later, the appellant No.4 addressed a letter dated 29.01.2020 to the appellant No.3 (Revenue Divisional Officer), requesting that the matter be "taken up as an appeal" under the POT Act, reviewed afresh, and appropriate orders passed. Acting on that letter, and without any application to condone the delay of 1,460 days in preferring such an appeal, the appellant No.3 passed the impugned order dated 09.07.2020, setting aside the Tahsildar's order dated 07.01.2016 and directing resumption of the land under the POT Act. Consequential Form-I and Form-II notices, both dated 10.07.2020, followed.

6. The respondents carried the matter in W.P.Nos.11897, 11110 and 10920 of 2020, assailing, respectively, the order dated 09.07.2020, and the Form-II and Form-I notices dated 10.07.2020, essentially on the grounds that (i) the appellants had failed to establish that the land was “assigned land” within the meaning of Section 2(1) of the POT Act, subject to a condition of non-alienation; and (ii) the appellant No.3 lacked jurisdiction to entertain, as an appeal under Section 4-A of the POT Act, a challenge preferred 1,460 days after the order impugned before it, and could not, in any event, resume the land nearly forty eight years after the assignment.

7. The appellants resisted the writ petitions by a counter-affidavit contending, in substance, that the land was recorded as “porambokesarkari” till 1964-65; that Laonilzafa for the land (along with other survey numbers) was proposed by the then Tahsildar in the Faisal Patti of 1964-65 at an assessment of Rs.201.72, but was never approved by the Nazim-e-Jamabandi; that pahanies for the land were nonetheless unauthorisedly issued in the names of the original allottees; that the challans relied upon by the respondents, bearing the date 24.02.1960, could not be genuine since the Laonilzafa was proposed only in 1965; that the assignment, being post the Revised Assignment Policy under G.O.Ms.No.1406, Revenue, dated

25.07.1958, carried a condition of non-alienation, breach whereof attracted the POT Act; and that the Tahsildar's order dated 07.01.2016 was erroneous and rendered without proper verification of records.

THE ORDER UNDER APPEAL

8. By the common order dated 29.01.2026, the writ court framed three issues, namely, (i) whether the appellant No.3 was justified in ignoring the delay of 1,460 days in entertaining the “appeal” against the Tahsildar's order dated 07.01.2016; (ii) whether the appellant No.3 was empowered to treat the letter of appellant No.4 as an appeal at all; and (iii) whether resumption proceedings could be initiated without first establishing that the land was assigned land within the meaning of the POT Act.

9. On issues (i) and (ii), the writ court held that Section 4-A of the POT Act prescribes a period of ninety days for preferring an appeal against an order of the Tahsildar; that the appeal in the present case was entertained after 1,460 days, without any application to condone the delay, and despite a specific objection on that score; that this was contrary to Section 4-A; and, relying on the decisions in

*B.Adinarayanamurthy v. Collector, Anantapur*¹ (resumption held impermissible after 34 years) and *PonnalaNarsing Rao v. NallollaPantaiah*² and *D.Umarani v. District Collector*³, that the power of resumption could not, in any event, be exercised nearly forty years after the assignment. On issue (iii), relying on the decisions in *G.Satyanarayana v. Government of Andhra Pradesh*⁴, *Dasari Narayana Rao v. Deputy Collector & MRO, Serilingampalli*⁵ and *Sunkara Sujana v. District Collector, Ranga Reddy District*⁶, the writ court held that the appellants had failed to discharge the initial burden of establishing, with evidence, that the land was assigned land subject to a condition of non-alienation, noting, in particular, that the impugned order itself recorded that the assignment deed was “not traceable in the office.” All three writ petitions were accordingly allowed, and the order dated 09.07.2020 and the Form-I and Form-II notices dated 10.07.2020 were set aside.

SUBMISSIONS ON BEHALF OF THE APPELLANTS

10. Learned Special Government Pleader assailed the common order on the following broad grounds: that mere revenue entries do

¹2000 (1) ALD 168.

²AIR 1990 (SCW) 4692.

³2015 (4) ALD 572.

⁴MANU/AP/0431/2014.

⁵2010 (6) ALD 536.

⁶2014 (2) ALT 112.

not, by themselves, confer title, and it was for the respondents to prove, by documentary evidence, how they came to acquire the land; that the Faisal Patti of 1964-65 shows that Laonilzafa for the land was proposed only after G.O.Ms.No.1406, Revenue, dated 25.07.1958 came into force, which carries a condition of non-alienation so that the land could not have been assigned under the Old Loani Rules, 1950, as the respondents contend, and the Tahsildar's order dated 07.01.2016 proceeded on a wrong premise; that neither the POT Act, 1977, nor the Rules of 2007, prescribe any period of limitation for issuance of Form-I and Form-II notices, so that the Tahsildar could issue such notices "at any time," and, correspondingly, the third appellant's action of 2020 was not truly an appeal but an independent exercise of the power of resumption, to which Section 4-A and the ninety-day period have no application; that *PonnalaNarsing Rao's case* (supra), relied upon by the respondents, arose under Section 32 of the Telangana Area Tenancy and Agricultural Lands Act, 1950 and had no application to the present facts; and that the respondents had themselves admitted, in the writ petitions, that the land was Government land assigned in 1960, so that they could not simultaneously deny the applicability of the POT Act and the condition of non-alienation attaching to such assignment.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

11. Learned Senior Counsel for the respondents supported the common order and submitted that the own letter dated 29.01.2020 of appellant No.4 expressly requested the appellant No.3 to “take up the subject matter as an appeal,” and the order dated 09.07.2020 of appellant No.3 itself purported to act on that basis; that the appellants cannot now be permitted to disown that characterisation merely to escape the bar of limitation under Section 4-A, an argument amounting to approbating and reprobating the same proceeding. It was further submitted that the Tahsildar's order dated 07.01.2016, passed pursuant to this Court's specific direction in W.P.No.39984 of 2015 after verification of the pattadar pass books, title deeds and revenue records, attained finality, unchallenged by the State for over four years, during which period third-party rights (including of an educational institution) came to be created on the strength of registered instruments; that the appellants, who bore the initial burden of establishing that the land was assigned land subject to a condition of non-alienation, could produce no assignment deed, a fact recorded in the impugned order itself, and could do no better than cast suspicion, without proof, on the genuineness of decades-old challans; and that, in any event, whether treated as an appeal or as a

fresh exercise of the power of resumption, an action initiated roughly sixty years after the claimed assignment, and four years after the Tahsildar's own considered order, could not be sustained.

POINTS FOR CONSIDERATION

12. On the above rival contentions, the following points arise for consideration:

(i) *Whether the impugned order dated 09.07.2020, passed by the appellant No.3 on the letter dated 29.01.2020 of the appellant No.4, is vitiated for want of jurisdiction on the ground of delay;*

(ii) *Whether the appellants established, on the material on record, that the subject land is “assigned land” within the meaning of Section 2(1) of the POT Act, 1977, subject to a condition of non-alienation, so as to clothe them with jurisdiction to initiate resumption proceedings; and*

(iii) *Whether, on the above findings, the writ court was right in setting aside the impugned order and the consequential notices, and whether any case for interference is made out in these intra-court appeals.*

ANALYSIS AND FINDINGS

Point (i): Limitation

13. The letter dated 29.01.2020 of appellant No.4, on the appellants' own showing, requested the appellant No.3 “to take up the

subject matter as an appeal as per the POT Act, 1977, review the matter once again and to pass appropriate orders”, a fact averred in the writ affidavit and not disputed in the counter-affidavit, and the impugned order dated 09.07.2020 records that it was passed in purported exercise of appellate power over the Tahsildar's order dated 07.01.2016. Having thus invoked, and acted under, the appellate mechanism provided by Section 4-A of the POT Act, it is not open to the appellants to now contend before this Court that the proceeding was, in truth, an independent, time-unbound exercise of the resumption power under Sections 3 and 4. The Hon'ble Supreme Court, in *R.N. Gosain v. Yashpal Dhir*⁷, held that a party cannot be permitted to approbate and reprobate, to take one position before the authority whose order is impugned and an inconsistent position before the appellate forum. This ground is accordingly rejected on the appellants' own record.

14. Even otherwise, and independently of how the 2020 proceeding is characterised, the submission that the POT Act and the Rules of 2007 prescribe no period of limitation for issuance of Form-I and Form-II notices does not carry the appellants' case as far as they suggest. The Hon'ble Supreme Court, in *State of Gujarat v. Patel*

⁷AIR 1993 SC 352.

*Raghav Natha*⁸, held that where a statute vests power in an authority without prescribing a period of limitation for its exercise, that silence does not mean the power can be exercised at any point of time; it must be exercised within a reasonable time, the length of which depends on the facts of the case and the nature of the order sought to be disturbed. The same principle was applied by the Hon'ble Supreme Court to the exercise of *suo motu* revisional power over revenue entries in *Joint Collector, Ranga Reddy District v. D. Narsing Rao*⁹, it was held that a *suo motu* revision under Section 166-B of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317F, exercised after a lapse of about fifty years, was arbitrary and unreasonable, notwithstanding that no limitation was prescribed for its exercise. Section 4-A of the POT Act itself, in prescribing ninety days for an appeal against an order of the Tahsildar, furnishes a legislative yardstick of what was considered a reasonable period for reopening such orders; it would be incongruous to hold that the very same order could, in the guise of a fresh “resumption,” be reopened four years later with no explanation whatsoever for the delay.

15. On the facts, the delay is not confined to the 1,460 days between the Tahsildar's order dated 07.01.2016 and the letter dated

⁸AIR 1969 SC 1297 : (1969) 2 SCC 187.

⁹(2015) 3 SCC 695 : [2015] 1 SCR 437.

29.01.2020 that set the impugned proceeding in motion. The assignment itself is traced to 1960; the first attempt at resumption, in 2015, was made fifty-five years later and was withdrawn upon a considered order after due enquiry; the present attempt follows a further four years, taking the interval between the assignment and the impugned order to roughly sixty years. No explanation for so protracted a delay was offered either before the appellant No.3 or before the writ court, nor is any offered in these appeals. The principle that the power of resumption cannot be exercised after a lapse of decades as held in *B. Adinarayana Murthy's (supra)* where resumption after 34 years was held impermissible, applies with, greater force here.

16. Point (i) is accordingly answered against the appellants and in favour of the respondents.

Point (ii): Whether the land was shown to be assigned land subject to non-alienation

17. It is well settled that before resumption proceedings can validly be initiated under the POT Act, the revenue authorities must first establish, with evidence and not merely by reference to disputed revenue entries, that the land is “assigned land” within the meaning of Section 2(1) of the Act and that the assignment carries a condition

of non-alienation. This Court has taken this view in *G.Satyanarayana's case (supra)*, *Dasari Narayana Rao's case (supra)*, and *Sunkara Sujana's case (supra)*, holding in each of those decisions that resumption proceedings initiated without such proof are without jurisdiction. The impugned order itself records, and this finding against the appellants' own case is not disputed before this Court that the assignment deed is "not traceable in the office." What the appellants do possess is, at best, a Faisal Patti entry for 1964-65 proposing Loanilzafa for the land, which, on their own averment in the counter-affidavit, was never approved by the Nazim-e-Jamabandi; and a bare assertion, unsupported by any inquiry or finding, that the challans produced by the respondents are fake because they predate the 1965 proposal. An unapproved departmental proposal cannot supply the place of a duly sanctioned assignment carrying a condition of non-alienation, and a suspicion of forgery, however voiced, is not a substitute for proof; the burden lay squarely on the appellants to establish their case, and on this record they did not.

18. On the other hand, the respondents rely upon the pass books and title deeds issued in their favour under the A.P. Rights in Land and Pattadar Pass Books Act, 1971, and that their names stand mutated in the revenue records, including through the Faisal Patti of

1960 itself, the very entries which the Tahsildar examined and relied upon, pursuant to this Court's direction in W.P.No.39984 of 2015, before concluding by a reasoned order dated 07.01.2016 that the respondents were pattadars holding absolute title under the Laoni Rules, 1950, and that the POT Act had no application. That order was not carried in appeal within time by any party, and no material has been placed before this Court, either in the impugned order or in these appeals, that was not already available to and considered by the Tahsildar in 2016.

19. This being an intra-court appeal against an order passed by the writ court in exercise of jurisdiction under Article 226 of the Constitution, this Court does not sit as a court of first appeal to reappraise disputed questions of fact; interference is warranted only where the finding is shown to be perverse, based on no evidence, or vitiated by an error apparent on the face of the record. The appellants have not been able to point to any such infirmity in the finding of the writ court on this aspect; on the contrary, that finding is consistent with, and indeed follows, the Tahsildar's own considered order of 2016.

20. Point (ii) is accordingly answered against the appellants and in favour of the respondents.

Point (iii): Scope of interference

21. It follows from the findings on Points (i) and (ii) that the order dated 09.07.2020 of appellant No.3, and the consequential Form-I and Form-II notices dated 10.07.2020, were rightly set aside by the writ court, the proceeding before the appellant No.3 being barred by limitation on the appellants' own characterisation of it, and, in any case, unreasonably delayed; and the appellants having failed to discharge the burden of establishing that the land is assigned land subject to a condition of non-alienation. None of the grounds urged on behalf of the appellants, examined above, survives scrutiny.

22. No other or independent ground of challenge to the common order dated 29.01.2026 was pressed. These appeals accordingly fail.

CONCLUSION

23. For the foregoing reasons, this Court holds that:

- (i) the impugned order dated 09.07.2020 was without jurisdiction, having been passed beyond the period prescribed under Section 4-A of the POT Act, 1977, and in any event after an unreasonable and unexplained delay;

(ii) the appellants failed to establish that the subject land is assigned land within the meaning of Section 2(1) of the POT Act, subject to a condition of non-alienation; and

(iii) the common order dated 29.01.2026 passed by the learned Single Judge in W.P.Nos.10920, 11110 and 11897 of 2020 does not call for interference.

RESULT

24. For the foregoing reasons, W.A.No.781 of 2026 fails and is dismissed, and the order dated 29.01.2026 passed by the learned Single Judge in W.P.No.11897 of 2020 is confirmed. For the same reasons, the connected W.A.No.840 of 2026 and W.A.No.841 of 2026 also fail and are dismissed, and the common order dated 29.01.2026 passed by the learned Single Judge in W.P.No.11110 of 2020 and W.P.No.10920 of 2020, respectively, is confirmed. There shall be no order as to costs. Miscellaneous applications, if any pending in these appeals, shall stand closed.

APARESH KUMAR SINGH, CJ

VAKITI RAMAKRISHNA REDDY, J

Date: 22.09.2026
AS