

D.Bheem Rao vs State Of Telangana, And 8 Others on 21 May, 2026

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

W.P.NO. 18872 OF 2019,
W.P.NOS. 33051, 33134 AND 41362 OF 2022
W.P.NOS.29036, 29086 AND 29089 OF 2024
DATED: 21.05.2026

W.P.No.18872 of 2019
Between
D.Bheem Rao.

... Petitioner

And

State of Telangana,
Represented by its Principal Secretary (Revenue),
Stamps and Registration Department, Secretariat,
Hyderabad and Eight Others.

... Respondents

COMMON ORDER

W.P.No.18872 of 2019:

In this writ petition, the petitioner is seeking a writ of mandamus declaring the proceedings of the District Collector vide Proceedings No.E1/2561/2018, dated 06.07.2019, as illegal, arbitrary, unlawful and in violation of principles of natural justice and consequently to set aside the same and further direct the respondent No.2 to delete the Plot Nos.45, 46 and 48 in Sy.No.274/1 at Quthbullapur Village and Mandal, Medchal- Malkajgiri District, from the prohibited list of properties under Section 22-A of the Registration Act and to pass such other order or orders.

2. Brief facts leading to the filing of the present writ petition as per the contentions of the petitioner are that one Dharamsingh was the pattedar of a total extent of Ac.6.07 gts., of land in Survey No.274 of Quthbullapur Village and Mandal, Medchal Taluka of Hyderabad District from the year 1964 onwards and subsequently, the said land has been purchased by individuals and also by a society by name Bhagalaxmi Cooperative Housing Society and their names were mutated in the revenue records. It is submitted that several houses were constructed by the members of the Bhagalaxmi Cooperative Housing Society by obtaining permissions and approvals from the municipal authorities and taxes have also been collected thereon. The petitioner also claims to have obtained permission from the Gram Panchayat, Quthbullapur and to have made the construction on the said property and that the petitioner allotted with H.No.35-335 in respect of Plot No.46 (open land) vide receipt dated 27.09.1983 and 15.09.1983 and construction permission was also granted for Plot No.48 on 16.04.1982 and property taxes have been paid from then onwards and receipts were given

for the same. Subsequently, after upgradation of Quthbullapur Municipality, new house numbers were given as H.No.35-1-C and 35-1-E and power connection was also taken for the said house properties. It is also submitted that the revenue authorities themselves have collected NALA tax as per the receipt issued by the MRO, Quthbullapur Mandal on 14.08.2003 for the Plot No.46 and the petitioner also availed loan from Vysya bank by mortgaging the property vide Doc.No.12729/2007 and got the same released upon repayment. It is submitted that the said property was also leased out to State Bank of India and structures are existing on the property. It is submitted that the entire society land was used for construction and establishment of a residential colony and the colony is named as Kalavathi Nagar. It is submitted that in Plot No.46, church was constructed unauthorisedly by Hosanna Mandir by the respondent No.9 and that respondents No.5 to 9 have been squatting on the property and are preventing the petitioner from removal of the illegal constructions and converting the building into church without any permission and sanctions. It is submitted that the said persons have filed Writ Petitions and even the petitioner's daughter also filed a Writ Petition before this Court and also a Contempt Case for non-implementation of the orders of the High Court. It is submitted that in order to prevent the petitioners from enjoying their property and in order to grab the property, it was got included in the prohibited list under Section 22-A of the Registration Act by stating that it is a Government land and that the petitioner cannot enjoy the same or recover the same from them and the respondents are forcing the petitioner to sell the said property at an abysmally low price and when the petitioner refused, they tried to get the survey work with the help of the revenue authorities without any notice and without following any procedure and therefore, petitioner filed W.P.No.542/2019 before this Court and the same was disposed of vide orders dated 28.01.2019 by directing the revenue authorities to follow the procedure, if they intend to conduct survey for the said land.

3. It is submitted that the petitioner filed W.P.No.36915/2018, challenging the orders of the revenue authorities in placing petitioner's land under the prohibited list and this Court vide orders dated 11.10.2018 directed the District Collector to consider the representation of the petitioner dated 29.08.2018, for deletion of the subject property from the prohibited list within a period of three to six months from the date of receipt of the copy of the order and when the said order was not complied with, he filed C.C.No.650/2019. It is submitted that the said contempt case was admitted and appearance of the contemnor was ordered and after receipt of notice in contempt case, in a post-haste manner, the District Collector directed his subordinates to submit a report and consequent thereto the Tahsildar prepared a note and submitted the same to the Revenue Divisional Officer, Malkajgiri, by particularly mentioning about the occupation of 30 guntas by Hosanna Church and he also revealed that the land is covered by roads and houses. It is submitted that without conducting any survey, but only to help the unofficial respondents, it is mentioned that it is a Government land and that said extent of the Hosanna Mandir is in Sy.No.274/2. It is submitted that the said report was submitted only to escape from the contempt case and in order to prevent the petitioner from enjoying the property and to grab the property.

4. It is submitted that basing on the said report, the Revenue Divisional Officer, Malkajgiri, has forwarded the report of Tahsildar dated 02.07.2019 to the District Collector on 03.07.2019, who in-turn passed the impugned orders dated 06.07.2019 by rejecting the representation of the petitioner for de- notification of the land and deletion of the same from the prohibited list under

Section 22-A of the Registration Act. Challenging the same, the present writ petition has been filed.

5. The learned counsel for the petitioner submitted that the impugned order is contrary to law and is in violation of principles of natural justice, as no inquiry was conducted, nor was he given an opportunity of personal hearing. He submitted that the revenue records themselves show the names of the predecessors in title as pattedars and as possessors from 1964 onwards and successively the names of the subsequent transferees/possessors and purchasers were mutated in the revenue records and taxes have also been collected by the revenue authorities and therefore, it cannot be considered to be as Government land solely basing on the Seesla pahani of the year 1955-58. It is submitted that the report of the Tahsildar, Quthbullapur, was in a biased manner, to help the respondents No.5 to 9 by showing their possession on the petitioner's property and the same is tainted with malafides and illegalities and therefore unsustainable. It is submitted that the District Collector did not conduct any independent enquiry, nor did he verify the report of the Tahsildar, but has heavily relied on the same and passed the impugned orders by confirming the report of the Tahsildar, which is non-application of mind and therefore, it is liable to be set aside. He therefore, submitted that in the impugned order, the District Collect failed to consider that the land is covered with houses and roads and therefore, it cannot be considered as Government land, since the constructions were made with permissions and members are living in the said houses. It is submitted that the Bhagyalaxmi Cooperative Housing Society had purchased the land and had converted the same into plots and registration was done in the names of the members, who subsequently constructed houses by availing loans and if the impugned orders are sustained, there will be gross injustice as members would be prevented from enjoyment of the property with absolute rights. Therefore, he prayed that the impugned order be set aside.

6. The learned counsel for the petitioner has drawn the attention of this Court to the report of Tahsildar wherein he has stated that on inspection, it was found that Sy.No.274 consisted of Ac.6.07 gts., out of which Ac.5.00 gts., was recorded in the name of Sri Dharam Singh as a pattedar and that Bhagyalaxmi Cooperative Housing Society and others are in possession thereof and that remaining Ac.1.07 gts., was recorded as 'Sarkaari' and at present there is a graveyard over an extent of Ac.1.25 gts., a road is passing from Balanagar to Narsapur to an extent 30 guntas and Hosanna Church as in 30 guntas and that Ac.3.19 gts., of land covered by houses and roads.

7. The learned counsel for the petitioner has drawn the attention of this Court to the Registered General Power of Attorney No.410/1983, dated 31.03.1983 given by four persons claiming to be the owners of the Plot Nos.47, 46, 48 and 45 respectively in the layout formed by Bhagyalaxmi Cooperative Housing Society Limited in Survey No.274/1 in favour of the petitioner herein, to do all acts on their behalf in respect of the said plots including to enter into agreement and to execute sale deeds on their behalf. He has further drawn the attention of this Court to the registered Doc.No.2025 of 1964, executed by one Gopal Singh, S/o.Kundan Singh, in favour of the Smt.Zebunnisa Begum, W/o.Shaik Ahmed, resident of Malakpet, Hyderabad, for sale of non-agricultural land in Sy.No.274, whose area as mentioned in the revenue records is five acres, but on survey made, it was found to be admeasuring 4 Acres and 130 Sq.yards and that it was continuously in possession of the vendor for the past thirty years. He has also drawn the attention of this Court to the copy of registered sale deed bearing No.240/1996, dated 07.04.1996, executed by

Smt.Zebunnisa Begum in favor of two parties, i.e., (1) Putiagunta Kondaiah, adopted son of Sri Sitaramaiah and (2) Puttagunta Ram Mohan Rao, S/o.Venkat Krishnaiah for sale of 4 Acres and 130 sq.yards in Sy.No.274, Qutubullapur Village, Malkajgiri Thaluk. The subsequent document referred to is the registered sale deed document No.3139 of 1979, dated 28.05.1979, executed by said two persons in favour of the M/s. Bhagyalaxmi Cooperative Housing Society Limited. The learned counsel for the petitioner has drawn the attention of this Court to the sale deed executed by the Bhagyalaxmi Cooperative Housing Society Limited in favour of the petitioner herein in respect of the Plot No.46, admeasuring 1,133 Sq.yards likewise all the copies of the registered sale deeds in favour of the four vendors who have executed General Power of Attorney in favour of the writ petitioner along with encumbrance certificates in respect of Plot Nos.45 to 48 are also filed. He has drawn the attention of this Court to the photographs filed along with the writ petition to demonstrate that there have been constructions in the said plots and thus, according to him, the subject plots are private properties and are not in Government land and hence have to be deleted from the prohibitory list.

8. This Court, vide orders dated 11.09.2019, granted interim suspension of the proceedings dated 06.07.2019.

9. The respondent No.4 has filed a counter affidavit on behalf of the respondents No.1 to 4. It is stated that as per the revenue records i.e., Sethwar and Sessala Pahani for the year 1955- 58, the land in Sy.No.274, admeasuring Ac.6.07 gts., is situated at Quthbullapur village and mandal, Medchal-Malkajgiri District and is Government land classified as 'Poramboke Sarkari' and therefore, the land in Sy.Nos.274/1 and 274/2 to an extent of Ac.6.07 gts., has been notified under Section 22-A of the Stamps and Registration Act and recorded under prohibitory properties list. It is stated that in the Pahani for the year 1963-64, the name of one Sri Gopal Singh, S/o.Kundan Singh, was entered by the then patwari of the village, without any assignment of Government land and without any record and orders of the competent authority against an extent of Ac.5.00 gts., in Sy.No.274/1 and the balance land to an extent of Ac.1-07 gts., in Sy.No.274/2 is recorded as 'Poramboke Sarkari' and as seen from the pahani for the year 1979-80, the name of one Sri Dharam Singh was entered in the Sy.No.274/1, to an extent of Ac.5-00 gts., by way of succession as per Faisal Patti for the year 1978-79 under Fouthi Kammi and Fouthi Izafa. In respect of the contentions of the petitioner that there are houses constructed in the land, it is stated that the land in question is Government land and permissions issued by the gram panchayat or municipality over the Government land are not valid under law and are null and void and any collection of taxes or NALA tax by the gram panchayath or municipality, etc., does not confer any right or title over the land in favour of the petitioner and others and that the respondents will take appropriate action against the illegal encroachers under due process of law.

10. As regards the allegation that there is a church constructed in the plot adjacent to Plot No.45, it is stated that the petitioner is not the concerned with any construction of church and residential houses in the Government land and that the respondents will take action in the matter. It is further submitted that Bhagyalaxmi Cooperative Housing Society Limited is claiming the land and even if the land in question is treated as Government assigned land, it is not alienable under G.O.Ms.No.1406, dated 25.07.1958 and any sale of the assigned land is in violation of the provisions

of T.S.Assigned Lands (Prohibition of Transfers) Act, 1977 and Rules 2007 and the said land is liable for resumption back to Government under said Act and Rules. Thus, it was prayed to vacate the interim order and dismiss the writ petition.

11. The unofficial respondents No.5 to 9 also filed a counter affidavit and also a stay vacate petition alleging suppression and distortion of facts. It is stated that filing of the writ petition is not for any bonfide reasons and dragging the respondents No.5 to 9 into the issue is totally unwarranted as they are unconnected to the issue in the present case. It is stated that the averments in the writ petition are vague and that there is no mention as to from whom the petitioner has purchased the land in question and also about the earlier sales/link documents. As regards the sale deeds filed by the petitioner as link documents, it is stated that it is only plot No.45 which was purchased by the petitioner, while Plot No.46 was purchased by his wife and there is a dispute with regard to the Plot No.46 between the petitioner and his wife and daughter. It is stated that the petitioner has not disclosed the legal fight between him and his daughter Smt.G.Yamuna and also his wife Smt.D.Chitralkha. Further, it is stated that even in the earlier writ petitions, the petitioner has confined his claim to Plot Nos.45, 46 and 48 and did not claim Plot No.47, but in this present writ petition, he has extended to Plot Nos.46, 47 and 48 without any basis and right. It is further submitted that church is existing at Plot No.49 and therefore, petitioner is in no way concerned with the said church. The respondents No.5 to 9 also supported the stand of the Government that the land in question is the Government land and prayed that the writ petition should be dismissed for mis-joinder of the parties. There are also several allegations made with regard to the dispute between the petitioner and his wife and daughter in respect of the subject plots. It is alleged that the church and its members believed that the land belongs to D.Venkoba Rao and D.Paramesh and were not aware that the land is a Government land and on coming to know about the same, they have filed representations to the Government on 18.02.2019 seeking for regularization of the land by offering reasonable payment.

12. Learned counsel for the petitioner has filed a reply affidavit to both the counters. It is submitted that the construction of church is made in Plot No.46 and that the respondents are illegally using the same as a church and camouflaging the same as Plot No.49, which is a non-existing property and that the document was created by one Sri Venkoba Rao and therefore, it cannot be taken as basis and that the same was challenged in W.P.No.19569/2017 and that the same is pending. It is also denied with regard to the living status of his wife Smt.Chitralkha. It is submitted that she died on 06.03.2010 and that one Devendramma, with false name is Chitralkha and is having three identities i.e., Devendramma, Chitralkha and Yamunamma, has availed loan from SBH and has obtained voters list, ID Card and also filed O.S.No.74/2018 and that a criminal case has been filed against her.

13. Having regard to the facts and circumstances of the case and the material on record, this Court finds that the challenge in this case is to the prohibited list under Section 22-A of Registration Act, whereunder the Plot Nos.45 to 48 in Sy.No.274/1, Quthbullapur Village and Mandal, Medchal-Malkajgiri District are mentioned. The Government claims the said property to be the Government land on the basis of entries in Sethwar and Sessala Pahani for the year 1955-58, whereas the learned counsel for the petitioner is placing reliance upon the entries in the pahanies from the year 1964

onwards. It is noticed that Sy.No.274/1 is recorded the land belonging to individuals and thereafter to the Bhagyalaxmi Cooperative Housing Society. Whereas the Sy.No.274/2 is still shown as 'Sarkari Land'. From the report of the Tahsildar, it is also noticed that the land in Sy.No.274/1 is covered by the houses and roads. Therefore, it is clear that the land has already been converted into plots and houses have been constructed thereon. The petitioner claims that the constructions are with permission from the competent authority. According to the petitioner, he has obtained permission from the competent authority before making the construction and has also paid Nala conversion fee and property taxes for the houses so constructed. The reliance of the learned counsel for the petitioner is on the judgment of full bench of this Court in the case of Vinjamuri Rajagopala Chary and Others Vs. Principal Secretary, Revenue Department, Hyderabad and Others, reported in 2015 SCC OnLine Hyd 407. It is observed that the said judgment is on the purpose and purport of Section 22-A(1)(e) thereon. In the said case, it was held that Clause (b) of Section 22- A(1) prohibition registration of property owned by the State or Central Government. Clause (e) prohibits registration of such properties in which the State or Central Government, local bodies including religious and charitable institutions avowed or accrued interests and therefore, the aforesaid clause clearly does not envisage that such properties are not undisputedly owned by the Governments either State or Central Government or local bodies or charitable institutions, etc. Therefore, according to the learned counsel for the petitioner, the Court has held that the properties owned by the State or Central Government or belonging to religious, charitable institutions or Wakf are separately dealt with under Clause (b) and (c) above and the properties vested in the State under A.P.Land Reforms (Ceiling on Agricultural Holding) Act, 1973 or the Urban Land (Ceiling and Regulation) Act, 1976 are covered by Clause (d) and other than such properties, the properties in which State Government, Educational Institutions or Religious or Charitable Institutions, etc., claim any interest, the same are covered by Clause (e) provided of course that a notification expressing the same, is published in the official gazette. The Court has also observed that earlier the State Government is empowered either suo-motu or on application to consider the grievances against inclusion of any property in the prohibitory list under Section 22-A of Registration Act and it is also empowered to de-notify either in full or in part the notification issued under Sub-Section (2) and that the redressal mechanism is available only with respect to notifications published relating to the properties falling under clause (e) of Section 22-A(1) of the Act. It is submitted that the Court has held that any grievance of any parties with regard to the properties covered by clauses (a) to (d) will have to be questioned by the aggrieved parties only by appropriate proceedings before a competent Court and the adjudication by such Court would be final and as notified properties falling under clause (e) are concerned, the redressal mechanism under Sub-Section (4) of Section 22-A would be able to effectively address the grievance provided the mechanism thereunder is effective, expeditious, fair and judicious. Thus, observing Court has directed the respective Governments of both the States of Andhra Pradesh and Telangana to constitute a Committee or establish a Forum with time frame, may be comprising of Principal Secretary of Revenue, Director of Survey and Land Records and a retired Judicial Officer of the rank of District Judge which shall meet periodically to consider the grievances of the persons affected by the notifications and the Committee shall be empowered to examine relevant records and then pass a reasoned order either accepting or rejecting the grievance by either confirming/deleting/modifying any such property from the notified list of properties. Though the order has been passed in the year 2015, the Government did not take any action to form Committee and when the matter was reconsidered in the case of Invecta Technologies Private Limited and

Others Vs. Government of Andhra Pradesh, Hyderabad and Others, reported in 2023 SCC OnLine TS 4565, the Division Bench of this Court has directed the authority to exercise the power under Section 22-A of the Act inconsonance with the guidelines issued in the case of Vinjamuri Rajagopala Chary (cited supra). Proceeded further to deal with the issue of validity of Section 22-A of the Act. The learned counsel for the respondents, on the other hand, has relied upon the order of this Court in W.A.No.977 of 2025, dated 02.09.2025, wherein there was a challenge to G.O.Ms.No.98, dated 23.08.2025, including the subject land in prohibition list under Section 22-A of the Registration Act, 1908. The Division Bench has taken note of the fact that the appropriate forum will have to adjudicate the matter. Therefore, liberty was granted to the petitioners therein to challenge the said G.O., in accordance with law. He has also referred to the docket order dated 03.09.2025 and batch of Writ Petitions in W.P.Nos.5382 of 2021 and batch, wherein after considering the judgment of the Full Bench in the case of Vinjamuri Rajagopala Chary (cited supra) this Court had directed the Chief Secretary, the Government shall file an affidavit in respect of the action taken to comply with directions of the Full Bench in the case of Vinjamuri Rajagopala Chary (cited supra). It is submitted that in compliance thereof, the Government has issued a G.O.Ms.No.98, dated 23.08.2025, constituting a Committee to consider the grievances of the persons affected by the notifications issued under Section 22-A(1)(e) of the Registration Act. The Committee was constituted with the Secretary to Government and Chief Commissioner of Land Administration, Telangana, Hyderabad as Chairman, Retired Judicial Officer of the rank of District Judge as Member and the Commissioner and Director of Survey, Settlement and Land Record, Telangana, Hyderabad as Member Convenor. Thereafter, a Memo No.469, dated 01.09.2025 has been issued, issuing guidelines for redressal of the grievances of the persons affected by the notifications issued under Section 22-A(1)(e) of the Registration Act of 1908. Thus, according to the learned counsel for the respondents, the petitioner has to approach the Committee with his grievances and it is the committee which alone is vested with the power to verify the contentions or grievances of the petitioner and to pass appropriate orders thereon.

14. This Court is also convinced with the said contentions of the respondents. The contention of the petitioner is that the land in Sy.No.274/1 is a private patta land and not the Government land. But such a contention cannot be verified by this Court under Article 226 of the Constitution, which involves appreciation of verification of facts. Therefore, the petitioner would have to approach the appropriate authority i.e., the afore-mentioned committee with his grievance and the Committee would have to consider and pass appropriate orders particularly in respect of the prohibitory list given under Section 22-A(1)(e) of the Act.

15. In view thereof, the impugned proceedings dated 06.07.2019 are set aside with a direction to the petitioner to make a fresh representation to the Committee, which is constituted vide G.O.Ms.No.98, Revenue (Land Administration.I) Department, dated 23.08.2025, and the Committee shall consider the representation of the petitioner and pass appropriate orders thereon within a period of four (4) months from the date of receipt of the said representation being made by the petitioner. Till such time the Committee takes a decision on the representation of the petitioner, all the parties shall maintain status quo as on date in respect of the subject property.

W.P.NOS. 33051, 33134 AND 41362 OF 2022

16. In these writ petitions, the petitioners are seeking a writ of mandamus declaring the action of the respondent No.3 in refusing to register the Sale Deed Document No.P.No.187 of 2022, dated 16.07.2022, vide proceedings refusal No.68 of 2022, dated 19.07.2022, under Section 22-A of the Registration Act, 1908 in respect of the property bearing Plot No.45, admeasuring 944 square yards or equivalent to 789.306 square meters in Sy.No.274/1 in W.P.No.33051 of 2022 and Sale Deed Document No.P.No.186 of 2022, dated 16.07.2022, vide proceedings refusal No.67 of 2022, dated 19.07.2022, under Section 22-A of the Registration Act, 1908, in respect of the property bearing Plot No.48, admeasuring 944 square yards or equivalent to 789.306 square meters in Sy.No.274/1 in W.P.No.33134 of 2022 and Sale Deed Document No.P.No.239 of 2022, dated 20.09.2022, vide proceedings refusal No.74 of 2022, dated 23.09.2022, under Section 22-A of the Registration Act, 1908, in respect of the property bearing Plot No.46, admeasuring 1133 square yards or equivalent to 947.33 square meters in Sy.No.274/1 in W.P.No.41362 of 2022, situated at Quthbullapur Village and Mandal, Medchal-Malkajgiri District, as illegal, arbitrary and unconstitutional and to pass such other order or orders.

17. In all these writ petitions, there is an interim order of suspension of impugned refusal orders dated 19.07.2022 and 23.09.2022 and further respondent No.3 was directed to process the registration pending document Nos.P.No.187 of 2022, P.No.186 of 2022 and P.No.239 of 2022 and release the same and such registration is subject to the final result of the writ petition and that the petitioners would not claim any equities in case any adverse orders are passed against them in the writ petition and the registry was also directed to make an endorsement in the writ petitions to the effect that the same shall not be permitted to be withdrawn. W.P.NOS. 29036, 29086 AND 29089 OF 2024

18. In all these three writ petitions, the petitioners in the above writ petitions i.e., W.P.Nos.33051, 33134 and 41362 of 2022 have sold the properties in favour of the petitioners in W.P.Nos.29036, 29086 and 29089 of 2024 and have executed the GPA and have sought registration of the same, which has not been accepted by the respondent authorities on the ground that the properties are in the prohibitory list under Section 22-A of the Act.

19. This Court in W.P.No.18872 of 2019 has directed the petitioner therein who was the GPA holder for Plot Nos.45 to 48 and have executed sale deeds in favour of petitioners in W.P.Nos.33051, 33134 and 41362 of 2022 to approach the Committee which is constituted vide G.O.Ms.No.98, dated 23.08.2025, for adjudication of the grievances of the petitioner.

20. In view thereof, all these writ petitions i.e., W.P.Nos.33051, 33134 and 41362 of 2022, W.P.Nos.29036, 29086 and 29089 of 2024 are also disposed of on the same lines with similar directions as in W.P.No.18872 of 2019.

21. Accordingly, all the writ petitions are disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in these writ petitions, shall stand closed.

JUSTICE T.MADHAVI DEVI Date: 21.05.2026 bak THE
HONOURABLE SMT JUSTICE T.MADHAVI DEVI W.P.NO. 18872 OF 2019, W.P.NOS. 33051,

33134 AND 41362 OF 2022 W.P.NOS.29036, 29086 AND 29089 OF 2024 DATED: 21.05.2026 bak