

Murari Padma vs The State Of Telangana on 24 September, 2026

*THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

+ W.P. No. 18025 of 2021

Between:

Murari Padma and others Petitioners
AND

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

JUDGMENT PRONOUNCED ON : 24.09.2026

SUBMITTED FOR APPROVAL:

1. Whether Reporters of Local : Yes/No
newspapers may be allowed to see
the Judgment ?
2. Whether the copies of judgment : Yes/No
may be marked to Law
Reports/Journals
3. Whether Their Lordship/Ladyship : Yes/No
wish to see the fair copy of
judgment

VAKITI RAMAKRISHNA REDDY, J

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VRKR,J
WP_18025_2021

THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

W.P. No. 21945 of 2021

% 24.09.2026

Between:

Murari Padma and others Petitioners

AND

\$ The State of Telangana, represented by its
Principal Secretary, Revenue Department,
Secretariat, Hyderabad and othersRespondents

! Counsel for the Petitioners : Sri A. Ravinder Reddy, learned
Senior Counsel representing
Smt. L. Vani, learned counsel
appearing for the petitioners

^ Counsel for respondents : Sri H. Rakesh Kumar, learned
Assistant Government Pleader
for Revenue appearing for
respondent Nos.1 to 5

: Sri M. Krupakar, learned
counsel representing Sri
Dhramapuri Abhiram, learned
counsel appearing for
respondent Nos.7 to 9

< GIST :

> HEAD NOTE :

? Cases referred :

(1997) 3 SCC 261	2021 SCC OnLine SC 802
(1993) 4 SCC 41	(1997) 7 SCC 137
AIR 1978 AP 279	(2013) 9 SCC 319
(2017) 9 SCC 700	(2017) 7 SCC 342
AIR 1954 SC 340	(2019) 3 SCC 191
(2017) 13 SCC 414	(2019) 10 SCC 259
(1979) 3 SCC 578	(2019) 13 SCC 70
(1998) 5 SCC 567	2026 INSC 450
(1996) 6 SCC 223	2004 (7) ALT 963
(2007) 13 SCC 565	2009 (2) ALD 212 : 2009 (2) ALT 742

4. According to the petitioners, the subject land originally belonged to one Murari Somaiah and, upon his demise, devolved upon his son, Murari Chandraiah, whose name was duly mutated in the revenue records and to whom a pattadar pass book was issued. After the death of Murari Chandraiah on 28.05.2017 the property was mutated in the name of petitioner No.1, his widow, by way of succession. Petitioner No.1

thereafter executed registered gift deeds in favour of her sons, including petitioner Nos.2 and 3, pursuant to which their names were also mutated in the revenue records and digital pattadar pass books were issued to them. The petitioners -3- VRKR,J WP_18025_2021 assert that they have at all material times been, and continue to be, in possession and enjoyment of the subject land.

5. The case of respondent No.6 and, after his death, that of respondent Nos.7 to 9 who are his legal representatives, as set out in the counter affidavit filed on behalf of respondent Nos.8 and 9, is that Murari Somaiah died on 07.02.2001 and that his legal heirs, namely Murari Somamma and Murari Chandraiah, executed a registered sale deed bearing Document No.2941 of 2001 dated 31.12.2001 in favour of the deceased respondent No.6, who thereupon acquired valid title and remained in peaceful possession and enjoyment of the property. It is their specific case that, taking advantage of the continuance of the vendors' names in the revenue records, the writ petitioners unlawfully asserted rights over the property and interfered with the possession. It is further contended that, upon execution of the registered sale deed, the vendors stood divested of all their right, title and interest, and consequently petitioner No.1 had no subsisting right or authority to execute the subsequent gift settlement deeds in favour of petitioner Nos.2 and 3.

6. Respondent No.6 preferred ROR Appeal Petition No.E/656/2016/RDO before the Revenue Divisional Officer under the -4- VRKR,J WP_18025_2021 provisions of the [Telangana Rights in Land and Pattadar Pass Books Act, 1971](#) ("the Act of 1971"), seeking cancellation of the mutations and pattadar pass books standing in the names of the petitioners. The petitioners contested the said proceedings, disputing the validity of the alleged sale deed, asserting that respondent No.6 had never at any point of time secured mutation of his name in the revenue records, and contending that the claim involved disputed questions of title which could be adjudicated only by a competent civil court.

7. During the pendency of the proceedings the Act of 1971 stood repealed by the [Telangana Rights in Land and Pattadar Pass Books Act, 2020](#) ("the Act of 2020"), which came into force on 29.10.2020. In terms of [Section 16\(1\)](#) of the Act of 2020 all appeals and revisions pending under the repealed Act stood transferred to the Special Tribunals constituted for that purpose, and the appeal of respondent No.6 was accordingly transferred and renumbered as Tribunal Case No.273 of 2021 on the file of respondent No.2. Respondent No.6 died on 29.01.2021. Neither was the factum of his death brought to the notice of the Special Tribunal, nor did respondent Nos.7 to 9 take any steps to come on record in his place in the transferred appeal. -5-

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8. During the pendency of this writ petition the law has changed once again. [The Act](#) of 2020 has been repealed by the Telangana Bhu Bharati (Record of Rights in Land) Act, 2025 (Act No.1 of 2025) ("the Act of 2025"), which received the assent of the Governor on 03.01.2025 and was published in the Telangana Gazette on 04.01.2025, and the Telangana Bhu Bharati (Record of Rights in Land) Rules, 2025 framed thereunder were brought into force with effect from 14.04.2025 by G.O.Ms.No.39, Revenue (Land Administration) Department, dated 14.04.2025. [Section 23](#) of the Act of 2025 provides:

"23. (1) [The Telangana Rights in Land and Pattadar Pass Books Act, 2020](#) is hereby repealed:

Provided that the provisions of [section 8](#) of the Telangana General Clauses Act, 1891 shall be applicable in respect of the repeal of the said enactment, standing orders and other provisions of Law, and [section 8](#) and [18](#) of the said Act shall be applicable as if the enactment, standing orders, provisions of law had been repealed and re-enacted by this Act.

... (3) Any action taken or decision made under the [Telangana Rights in Land and Pattadar Pass Books Act, 2020](#) until it was in force shall be valid and enforceable as if the said Act is in force."

9. The legality of the impugned order therefore continues to be tested by reference to the Act of 2020, under which it was passed and which was then in force. The relief to be moulded, however, must have -6- VRKR,J WP_18025_2021 regard to the law as it now stands, and the corresponding provisions of the Act of 2025 are noticed at the appropriate places hereafter. The order of the Special Tribunal

10. The Special Tribunal passed a first order on 20.02.2021 and thereafter, by the impugned order dated 25.06.2021 in Tribunal Case No.273 of 2021, directed cancellation of the mutations and pattadar pass books standing in the names of the petitioners, recording that it had afforded an opportunity of hearing to the parties and had conducted a detailed enquiry. Significantly, while cancelling the entries, the Tribunal simultaneously observed that respondent No.6 should approach the competent civil court for a declaration of title, and directed the parties to work out their remedies before that forum.

11. Pursuant to the impugned order, and after the death of respondent No.6, respondent Nos.7 to 9 instituted O.S.No.288 of 2021 on 14.09.2021 on the file of the Court of the learned Junior Civil Judge, Thorrur, seeking declaration of title, recovery of possession, rectification of the entries in the revenue records and a permanent injunction restraining alienation. That suit is stated to be pending adjudication.

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12. Aggrieved by the order dated 25.06.2021, the petitioners have instituted the present writ petition. By way of reply affidavit they have denied the allegations made in the counter affidavit, contending that the sale deed dated 31.12.2001 is a sham and fraudulent transaction which confers no right, title or interest upon the respondents, whereas the petitioners claim lawful title and continuous possession by virtue of succession, valid mutation, issuance of pattadar pass books and the subsequent gift deeds duly reflected in the revenue records. They have denied any suppression of material facts, explaining that the impleadment of a deceased respondent was inadvertent and has since been rectified by bringing his legal representatives on record.

Submissions on behalf of the Petitioners:

13. Sri A. Ravinder Reddy, learned Senior Counsel appearing for the petitioners, submitted that the impugned order is beyond the scope of the enquiry contemplated under the provisions of the [ROR Act](#). The Special Tribunal, exercising jurisdiction transferred to it under [Section 16](#) of the Act of 2020, stands in the shoes of the appellate authority under the Act of 1971 and possesses no larger power; its function is confined to the correctness of entries in the record of rights and it is not a forum for the adjudication of

title. The -8- VRKR,J WP_18025_2021 rival claims here rest upon documents whose genuineness is in issue

- on the one hand succession followed by registered gift deeds, and on the other a sale deed of the year 2001 alleged to be sham and fraudulent - and the determination of such a controversy requires pleadings, issues, evidence and cross-examination, and lies exclusively within the province of the civil court.

14. It was further submitted that, having itself directed the parties to approach the competent civil court for declaration of title, the Special Tribunal could not have simultaneously ordered deletion of the entries made in favour of the petitioners and cancelled the pattadar pass books standing in their names; the order is internally inconsistent. The unofficial respondents have in fact approached the civil court in O.S.No.288 of 2021 seeking declaration of title, restoration of possession and permanent injunction, and the very frame of that suit, being one for recovery of possession, is an admission that the petitioners and not the unofficial respondents are in possession. There was therefore no occasion whatever for the Special Tribunal to order deletion of entries or cancellation of pattadar pass books. In any event, entries in the revenue record neither confer title nor take away rights vested in any party, so that the cancellation -9- VRKR,J WP_18025_2021 could serve no legitimate purpose and has only disturbed the position obtaining between the parties during the pendency of the suit.

15. On the question of the death of respondent No.6, the learned Senior Counsel submitted that he expired on 29.01.2021, that is, even before the first order passed by the Special Tribunal on 20.02.2021 and well before the impugned order dated 25.06.2021, and that it is settled law that an order passed for or against a dead person is void in law. He clarified that neither the petitioners were aware of the death, nor did respondent Nos.7 to 9 inform the Special Tribunal or the petitioners of that fact during the pendency of the proceedings, so that there was no occasion for the petitioners to bring the legal representatives of the deceased respondent No.6 on record at the time of institution of the writ petition; the omission was inadvertent and has since been cured.

Submissions on behalf of the official Respondent Nos. 1 to 5

16. Sri H. Rakesh Kumar, learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 5, submitted that the official respondents have no interest of their own in the subject land, that the lis is essentially one between rival private claimants, and that no relief is sought and no allegation of mala fides is made against -10- VRKR,J WP_18025_2021 respondent Nos.1 to 5. The mutation in favour of petitioner No.1 was effected upon the death of Murari Chandraiah on 28.05.2017 on the basis of succession, and the subsequent mutations in favour of petitioner Nos.2 and 3 were effected upon registered gift deeds, in each case following the procedure prescribed by the statute and the rules, and no irregularity in the making of those entries is attributable to the revenue authorities.

17. It is further submitted that the appeal preferred by respondent No.6 in the year 2016 stood transferred to the Special Tribunal by operation of [Section 16\(1\)](#) of the Act of 2020, the Special Tribunals having been constituted by G.O.Ms.No.4, Revenue (Assignment-I) Department, dated 12.01.2021, and that the transfer and renumbering of the appeal as Tribunal Case No.273 of 2021 are unexceptionable. He submitted that the record does not disclose that the factum of the death of respondent No.6 on 29.01.2021 was at any stage brought to the notice of the Special Tribunal, that no application for substitution of his legal

representatives was filed before that authority, and that the Special Tribunal proceeded upon the material placed before it and in ignorance of the death. -11-

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18. It was fairly submitted that the record of rights maintained under the Act is essentially a fiscal record; that [Section 11](#) of the Act of 2020 confers upon the pattadar pass book-cum-title deed evidentiary value with regard to title only for the limited purpose of creation of an equitable mortgage; and that the Act does not constitute the revenue authorities into a forum for the adjudication of title, the summary jurisdiction being inadequate where, as here, rival claims rest upon contested registered documents and upon disputed succession. Whichever party ultimately succeeds in O.S.No.288 of 2021 may apply for a corresponding change in the record of rights under [Section 7](#) of the Act of 2020, which expressly provided for effecting change in the record of rights when a right over land is acquired through a decree of court, and now under [Section 8](#) of the Act of 2025, which makes the like provision in respect of the modes of mutation specified in clause (h) of sub-section (12) of [Section 2](#) of that Act; the official respondents will give effect to such decree and will abide by whatever orders this Court may pass. Submissions on behalf of the unofficial Respondents 7 to 9:

19. Sri M. Krupakar, learned counsel representing Sri Dhramapuri Abhiram, learned counsel appearing for respondent Nos.7 to 9, specifically contended that the petitioners intentionally filed the -12- VRKR,J WP_18025_2021 present writ petition against a dead person, namely respondent No.6, and also obtained interim orders of stay and suspension of the impugned order without impleading his legal heirs, and that on that ground alone the writ petition is liable to be dismissed. It was further contended that though the petitioners themselves, through their predecessors-in-title, had alienated the property in favour of respondent No.6 under the registered sale deed dated 31.12.2001, they thereafter created gift settlement deeds among themselves, illegally sought mutation of their names in the revenue records and obtained pattadar pass books without notice to respondent No.6.

20. It was submitted that upon execution of the registered sale deed the vendors stood divested of all right, title and interest, that petitioner No.1 consequently had no subsisting right or authority to execute the gift settlement deeds, and that the petitioners, not being entitled to claim title over the subject land, are not entitled to maintain the present writ petition. The Special Tribunal, it was urged, passed the impugned order after conducting a detailed enquiry and after affording opportunity to all concerned; no jurisdictional error or error apparent on the face of the record is made out; and the writ petition is devoid of merit and liable to be dismissed. -13-

VRKR,J WP_18025_2021 POINTS FOR CONSIDERATION

21. In the light of the rival pleadings and the submissions made by the learned counsel on either side, the following points arise for consideration:

- (i) Whether the writ petition is maintainable, having regard to the finality attached by [Section 16\(2\)](#) of the Act of 2020 to an order of the Special Tribunal, and to the fact that it was instituted arraying as respondent No.6 a person who was then dead?
- (ii) Whether the impugned order dated 25.06.2021 passed by the Special Tribunal is liable to be set aside on the ground that it was passed after the death of respondent No.6 without

bringing his legal representatives on record and affording them an opportunity of hearing?

(iii) Whether the Special Tribunal, while exercising jurisdiction under the [Telangana Rights in Land and Pattadar Pass Books Act](#), was justified in cancelling the mutations and pattadar pass books standing in the names of the petitioners, notwithstanding that the -14- VRKR,J WP_18025_2021 dispute between the parties involves disputed questions of title to be adjudicated by the competent civil court?

(iv) To what relief?

ANALYSIS AND FINDINGS:

Point (i): Maintainability of the writ petition:

22. [Section 16](#) of the Act of 2020, which constitutes the Special Tribunals and transfers to them the appeals and revisions pending under the repealed Act of 1971, reads as follows:

"16. (1) On such repeal all the pending Appeals and Revision cases under the provisions of [Telangana Rights in Land and Pattadar Pass Books Act, 1971](#) shall stand transferred to the Special Tribunals.

(2) On disposal of appeal or revision by the Tribunal, the order of the Tribunal shall be final and shall be implemented under the provisions of this Act."

23. The finality declared by sub-section (2) operates within the hierarchy created by the statute. It brings the departmental remedies to a close; it does not, and constitutionally cannot, denude this Court of its jurisdiction under [Article 226](#) of the Constitution of India. The power of judicial review vested in the High Courts under [Articles 226](#) and [227](#) is part of the basic structure of the Constitution and cannot be excluded by a legislative declaration of finality, as held by the -15- VRKR,J WP_18025_2021 Constitution Bench in [L. Chandra Kumar v. Union of India](#)¹. Where, as here, the challenge is that the authority has acted without jurisdiction, contrary to the scheme of the statute and in breach of the principles of natural justice, a finality clause furnishes no answer.

24. The second limb of the objection to maintainability is that the writ petition was instituted against a dead person. It is not in dispute that respondent No.6 died on 29.01.2021 and that he was nevertheless arrayed as a respondent. The petitioners assert that they were unaware of his death, and there is nothing on the record to indicate that the death was ever communicated to them, or indeed to the Special Tribunal, by respondent Nos.7 to 9.

25. In [Karuppaswamy v. C. Ramamurthy](#)², the Hon'ble Supreme Court, dealing with a suit instituted against a defendant who had died before its presentation, held that where the mistake had occurred in good faith the institution was not void ab initio and that the impleadment of the legal representatives would relate back to the date of presentation of the plaint. It was observed:

"5. ... While invoking the beneficent proviso to sub-section (1) of [Section 21](#) of the Act an averment that a mistake was made in good faith by impleading a dead defendant in the suit should be made 1 (1997) 3 SCC 261 2 (1993) 4 SCC 41 -16- VRKR,J WP_18025_2021 and the court must on proof be satisfied that the motion to include the right defendant by substitution or addition was just and proper, the mistake having occurred in good faith. The court's satisfaction alone breaths life in the suit."

26. In so holding the Hon'ble Supreme Court approved the view taken by the High Court of Composite State of Andhra Pradesh in [Rasetty Rajyalakshamma v. Rajamuru Kanniah](#)³, where, the mistake having been found to have occurred in good faith, the impleadment of the legal representatives was allowed even after the expiry of the period of limitation and the institution of the suit was held not to be void ab initio. The same approach was adopted in [Pankajbhai Rameshbhai Zalavadiya v. Jethabhai Kalabhai Zalavadiya](#)⁴, where the Hon'ble Supreme Court held:

"10. Order 1 Rule 10 of the Code enables the court to add any person as a party at any stage of the proceedings, if the person whose presence in court is necessary in order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the suit. Avoidance of multiplicity of proceedings is also one of the objects of the said provision. Order 1 Rule 10 of the Code empowers the court to substitute a party in the suit who is a wrong person with a right person. If the court is satisfied that the suit has been instituted through a bona fide mistake, and also that it is necessary for the determination of the real matter in controversy to substitute a party in the suit, it may direct it to be done."

3 AIR 1978 AP 279 4 (2017) 9 SCC 700 -17- VRKR,J WP_18025_2021

27. In the present case the legal representatives of the deceased respondent No.6 have since been brought on record as respondent Nos.7 to 9. They have filed a counter affidavit, have been represented by counsel and have been heard at length upon the merits. No prejudice of any description has been demonstrated. Rules of procedure are the handmaid of justice and are not to be employed to defeat a hearing on the merits where the defect complained of has been cured and the party raising the objection is itself before the Court.

28. There is a further and more fundamental answer to the objection. Respondent Nos.7 to 9 were admittedly aware of the death of respondent No.6 and yet took no steps to come on record before the Special Tribunal in the appeal preferred by him. Having permitted that authority to proceed and to pass an order in favour of a person who was no longer alive, they cannot be heard to contend that proceedings involving a dead person are a nullity when the contention suits them and are unexceptionable when it does not. The maxim nullus commodum capere potest de injuria sua propria precludes a party from founding an objection upon its own default. For these reasons the writ petition is held to be maintainable, and Point (i) is answered accordingly.

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VRKR,J WP_18025_2021 Point (ii): Effect of the death of respondent No.6 upon the impugned order:

29. The following facts are not in dispute. Respondent No.6 died on 29.01.2021. The appeal which was transferred to the Special Tribunal and renumbered as Tribunal Case No.273 of 2021 had been preferred

by respondent No.6 himself during his lifetime. The first order in that appeal was passed on 20.02.2021 and the impugned order on 25.06.2021, both after his death. Respondent Nos.7 to 9, his legal representatives, took no steps to come on record in his place. The impugned order is therefore an order made in favour of a person who had, on the date it was made, ceased to exist in the eye of law.

30. A dead person has no legal persona. Upon the death of a party a proceeding can be continued only by or against those upon whom the right to sue devolves, and only after they are brought on record. An adjudication rendered without such substitution is not a mere irregularity capable of being waived; it is a nullity, for the authority is then exercising jurisdiction over a party that does not exist. The foundational statement of the principle is that of the Honourable Supreme Court in [Kiran Singh v. Chaman Paswan](#) 5, wherein it was held:

5 AIR 1954 SC 340 -19- VRKR,J WP_18025_2021 "6. ... It is a fundamental principle well established that a decree passed by a court without jurisdiction is a nullity, and that its invalidity could be set up whenever and wherever it is sought to be enforced or relied upon, even at the stage of execution and even in collateral proceedings. A defect of jurisdiction, whether it is pecuniary or territorial, or whether it is in respect of the subject matter of the action, strikes at the very authority of the court to pass any decree, and such a defect cannot be cured even by consent of the parties."

31. The said principle was applied to the case of a dead party in Gurnam Singh (dead) through Legal Representatives v. Gurbachan Kaur (dead) by Legal Representatives 6, where a second appeal had been decided both in favour of and against persons who had died during its pendency without their legal representatives being brought on record. The Honourable Court Lordships held:

"22. This principle, in our considered opinion, squarely applies to this case because it is a settled principle of law that the decree passed by a Court for or against a dead person is a "nullity" (See - [N. Jayaram Reddy & Anr. Vs. Revenue Divisional Officer & Land Acquisition Officer, Kurnool](#), (1979) 3 SCC 578, [Ashok Transport Agency vs. Awadhesh Kumar & Anr.](#), (1998) 5 SCC 567 and [Amba Bai & Ors. Vs. Gopal & Ors.](#), (2001) 5 SCC 570).

23. The appellants are the legal representatives of defendant Nos. 2 and 4 on whom the right to sue has devolved. They had, therefore, right to question the legality of the impugned order inter alia on the ground of it being a nullity. Such objection, in our opinion, could be raised in appeal or even in execution proceedings arising out of such decree."

6 (2017) 13 SCC 414 -20- VRKR,J WP_18025_2021

32. It is to be noticed that among the decisions relied upon in Gurnam Singh is [N. Jayaram Reddy v. Revenue Divisional Officer and Land Acquisition Officer, Kurnool](#)⁷, which arose from the erstwhile composite [State of Andhra Pradesh, and Ashok Transport Agency v. Awadhesh Kumar](#)⁸, where a suit instituted against a proprietary concern whose proprietor had died before its institution was held to be a nullity. The principle is thus of long standing and is not confined to decrees of civil courts.

33. That the principle governs statutory tribunals and quasi- judicial authorities equally is placed beyond doubt by the statute itself. [Section 13](#) of the Act of 2020 provides:

"13. The Government or any Authority authorized by the Government while holding enquiry under this Act shall have the powers as are vested in Civil Court under [the Code of Civil Procedure](#), 1908."

34. The like provision is carried forward by [Section 17\(1\)](#) of the Act of 2025, which confers upon a recording, appellate or revisional authority, for the purpose of holding any enquiry under that Act, the same powers as are vested in a civil court under [the Code of Civil Procedure](#), 1908 when trying a suit. An authority clothed with the 7 (1979) 3 SCC 578 8 (1998) 5 SCC 567 -21- VRKR,J WP_18025_2021 powers of a civil court while holding an enquiry must observe the corresponding discipline in the conduct of that enquiry. The rule embodied in [Order 22 of the Code of Civil Procedure](#), 1908 is not a technicality of pleading; it is an incident of the rule audi alteram partem, since an order affecting the rights of a deceased party is in substance an order affecting the rights of those upon whom his estate has devolved, and they cannot be bound by an adjudication to which they were never parties.

35. Applying these principles, once respondent No.6 died on 29.01.2021 the transferred appeal could not have proceeded further without his legal representatives being brought on record. The Special Tribunal proceeded in ignorance of the death - a state of affairs brought about by the default of respondent Nos.7 to 9 themselves - and passed the impugned order in favour of a non-existent person. The order dated 25.06.2021 is, on that ground, a nullity in law and cannot be sustained. The contention of the unofficial respondents that a proceeding against a dead person is not maintainable, if it be sound, must apply with far greater force to the proceedings before the Special Tribunal, where the death had occurred nearly five months before the impugned order and where the legal representatives were -22- VRKR,J WP_18025_2021 fully aware of it. The objection therefore recoils upon those who raise it. Point (ii) is answered in favour of the petitioners. Point (iii): Jurisdiction of the Special Tribunal to cancel mutations and pattadar pass books:

36. Even leaving aside the ground dealt with under Point (ii), the impugned order does not survive scrutiny on the merits. The scheme of the enactment must first be noticed. [The Act](#) of 1971, and the Act of 2020 which replaced it, are enactments for the preparation, maintenance and updating of the record of rights in land. [Sections 5, 6 and 7](#) of the Act of 2020 respectively provide for effecting changes in the record of rights where a right is acquired by sale, gift, mortgage or exchange; where it is acquired through succession, survivorship or inheritance; and where it is acquired through a decree of court.

[Section 9](#) bars a suit against the Government or any of its officers in respect of an entry made in, amended in, or omitted from the record of rights - a bar directed at the State and its officers, and not at a suit between rival claimants for a declaration of title. [Section 11](#) provides:

"11. The Pattadar Pass Book-cum-Title Deed issued under this Act shall be deemed to be the title deed and it shall have the same evidentiary value with regard to the title for the purpose of creation of equitable mortgage under the provisions of the [Transfer of Property Act, 1882](#) as a document registered in accordance with the provisions of the [Registration Act, 1908](#) has, under the law."

37. The deeming is expressly confined. The legislature has conferred upon the pattadar pass book-cum-title deed the evidentiary value of a registered document with regard to title only for the purpose of creation of an equitable mortgage, and has pointedly refrained from making that document conclusive proof of title for all purposes. A statute which so carefully limits the evidentiary consequence of the document it creates cannot be read as having constituted the authority that issues it into a tribunal for the trial of title.

38. [The Act](#) of 2025, which has since replaced the Act of 2020, proceeds upon precisely the same premise, and indeed states it more explicitly. [Section 10\(5\)](#) reproduces, in identical terms, the limited deeming earlier found in [Section 11](#) of the Act of 2020, confining the evidentiary value of the pattadar pass book-cum-title deed with regard to title to the purpose of creation of an equitable mortgage. [Section 11](#) provides that every entry in the record of rights shall be presumed to be true and correct "until the contrary is proved", thereby making the presumption a rebuttable one. Section 19(1) bars a suit against the Government or its officers in respect of an entry. And Section 18, which bears the marginal heading "Jurisdiction of Civil Courts", provides:

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VRKR,J WP_18025_2021 "18. If any person is aggrieved as to any right of which he is in possession by an entry made in any Record of Rights, he may institute a suit against any person denying or interested to deny his title to such right for declaration of his right under [Chapter-VI of the Specific Relief Act, 1963](#), and the entry in the Record of Rights shall be amended in accordance with any such declaration."

39. The legislature has thus itself declared, in terms, that where title is denied the remedy lies in a suit for declaration before the civil court, and that the entry in the record of rights is to be amended so as to conform to that declaration. The entry follows the decree; it does not precede or displace it. That is the very scheme which the Special Tribunal inverted.

40. The corollary is settled beyond argument: entries in the revenue record, and mutations effected therein, neither create nor extinguish title. In [Sawarni v. Inder Kaur](#)⁹, the Supreme Court held:

"7. ... He has been swayed away by the so-called mutation in the revenue record in favour of Inder Kaur. Mutation of a property in the revenue record does not create or extinguish title nor has it any presumptive value on title. It only enables the person in whose favour mutation is ordered to pay the land revenue in question. The learned Additional District Judge was wholly in error in coming to a conclusion that mutation in favour of Inder Kaur conveys title in her favour."

9 (1996) 6 SCC 223 -25- VRKR,J WP_18025_2021

41. In [Suraj Bhan v. Financial Commissioner](#), (2007) 6 SCC 186, it was observed:

"9. There is an additional reason as to why we need not interfere with that order under [Article 136](#) of the Constitution. It is well settled that an entry in revenue records does not confer title

on a person whose name appears in record-of-rights. It is settled law that entries in the revenue records or jamabandi have only "fiscal purpose" i.e. payment of land revenue, and no ownership is conferred on the basis of such entries. So far as title to the property is concerned, it can only be decided by a competent civil court (vide [Jattu Ram v. Hakam Singh](#)). As already noted earlier, civil proceedings in regard to genuineness of will are pending with the High Court of Delhi. In the circumstances, we see no reason to interfere with the order passed by the High Court in the writ petition."

42. The evidentiary character of the record was explained in [Gurunath Manohar Pavaskar v. Nagesh Siddappa Navalgund](#) 10, thus:

"12. ... A revenue record is not a document of title. It merely raises a presumption in regard to possession. Presumption of possession and/or continuity thereof both forward and backward can also be raised under [Section 110](#) of the Evidence Act. The courts below, were, therefore, required to appreciate the evidence keeping in view the correct legal principles in mind."

43. More recently, in [Jitendra Singh v. State of Madhya Pradesh](#) 11, the Supreme Court, after surveying the earlier decisions, held:

10 (2007) 13 SCC 565 11 2021 SCC OnLine SC 802 -26- VRKR,J WP_18025_2021 "5. ... Be that as it may, as per the settled proposition of law, mutation entry does not confer any right, title or interest in favour of the person and the mutation entry in the revenue record is only for the fiscal purpose. As per the settled proposition of law, if there is any dispute with respect to the title and more particularly when the mutation entry is sought to be made on the basis of the will, the party who is claiming title/right on the basis of the will has to approach the appropriate civil court/court and get his rights crystalised and only thereafter on the basis of the decision before the civil court necessary mutation entry can be made."

44. The same principle runs through [Balwant Singh v. Daulat Singh](#)¹²; [State of Andhra Pradesh v. Star Bone Mill and Fertiliser Company](#)¹³; [T. Ravi v. B. Chinna Narasimha](#)¹⁴; [Bhimabai Mahadeo Kambekar v. Arthur Import and Export Company](#)¹⁵; [Pralhad Pradhan v. Sonu Kumhar](#)¹⁶; and [Ajit Kaur v. Darshan Singh](#)¹⁷. It has been reiterated, in [Vadiyala Prabhakar Rao v. Government of Andhra Pradesh](#)¹⁸.

45. The High Court of the erstwhile composite State of Andhra Pradesh has applied these principles in the specific setting of the [ROR Act](#). In [Singamaneni Pullamma v. Joint Collector, Ongole, Prakasam](#) 12 (1997) 7 SCC 137 13 (2013) 9 SCC 319 14 (2017) 7 SCC 342 15 (2019) 3 SCC 191 16 (2019) 10 SCC 259 17 (2019) 13 SCC 70 18 2026 INSC 450 -27- VRKR,J WP_18025_2021 District19, a Division Bench held that the pendency of a civil suit does not relieve the revenue authorities of the duty to discharge the functions entrusted to them by the Act, and that entries so made remain open to challenge in a civil suit. The reach and the limits of that jurisdiction were explained in [K. Pratap Reddy v. Joint Collector](#)²⁰, where, considering the scope of [Sections 5](#) and [9](#) of the Act of 1971, this Court observed:

"... The Rules of 1989 framed under the Act of 1971 detail the procedure to be followed by the revenue authorities in the course of preparation of the record of rights as envisaged by the Act. The scheme of the said Rules clearly indicates that the revenue authorities are required to hold a summary enquiry into issues of title also in certain circumstances while deciding

disputes as to the entries to be incorporated in the record of rights. The decision of a learned Division Bench of this Court in SINGAMANENI PULLAMMA's case (18 supra) is also to this effect. However, this authorization to the revenue authorities is subject to judicial determination of disputes over issues of title and as demonstrated by Rule 9(1)(c)(ii), once a declaration is filed by a party that he has instituted a suit in a civil Court ..."

46. The position that emerges is that the authorities under the Act may hold a summary enquiry in order to decide who is to be recorded, but that this authorisation is at all times subservient to the judicial 19 2004 (7) ALT 963 20 2009 (2) ALD 212 : 2009 (2) ALT 742 -28- VRKR,J WP_18025_2021 determination of title; where a competent civil court is seized of the question, the revenue authorities must stay their hand.

47. Judged by these standards, the impugned order cannot stand, for four reasons. First, the order is internally inconsistent. The Special Tribunal itself recognised that the controversy turned upon title and directed respondent No.6 to approach the competent civil court for a declaration. Having so held, it was not open to the Tribunal to proceed, in the same breath, to cancel the mutations and the pattadar pass books standing in the names of the petitioners. An authority which disclaims jurisdiction to decide the principal question cannot grant consequential relief which presupposes the very determination it has declined to make. The cancellation was, in substance, an adjudication of title by indirection.

48. Secondly, the cancellation could serve no legitimate purpose. Since entries in the record of rights neither confer title nor take away rights vested in any party, their deletion could not improve the position of respondent No.6, or of his legal representatives, in the suit which they have since instituted. What the cancellation did achieve was to displace the petitioners from the record of rights during the pendency of that suit and thereby to disturb the presumption in -29- VRKR,J WP_18025_2021 regard to possession which such entries raise. The Special Tribunal thus altered the position of the parties in a manner which the civil court alone was competent to alter.

49. Thirdly, the frame of O.S.No.288 of 2021 is itself instructive. The suit instituted by the unofficial respondents is comprehensive in nature, seeking not merely a declaration of title but also recovery of possession, rectification of the entries in the revenue records and an injunction against alienation. A prayer for recovery of possession proceeds necessarily upon the footing that the plaintiff is out of possession. The unofficial respondents' own pleading therefore establishes that the petitioners are in possession of the subject land, and in such a situation the entries and the pattadar pass books standing in their names ought to have been left undisturbed, to abide the result of the suit.

50. Fourthly, the statute itself furnishes the appropriate mechanism, and has continued to do so across the change in the law. [Section 7](#) of the Act of 2020, which was in force when the impugned order was passed, provided for effecting a change in the record of rights where a right over land was acquired through a decree of court. Upon the repeal of that Act, the same provision is made by [Section 8](#) -30- VRKR,J WP_18025_2021 of the Act of 2025, which requires a person who acquires rights over land through any of the modes stated in clauses (h) and (s) of sub- section (12) of [Section 2](#) - clause (h) being an "Order / Decree of any competent Court of Law" - to apply to the Revenue Divisional Officer for mutation, and obliges that authority, after notice to all persons interested or affected, to determine whether and in what manner the record of rights is to be amended and to carry out the amendment accordingly. [Section 8](#) of the Act of 2025 must, moreover, be read with Section 18 of that Act, which in

terms directs that the entry in the record of rights shall be amended in accordance with a declaration obtained from the civil court. Whichever party succeeds in O.S.No.288 of 2021 may therefore apply under [Section 8](#), and the revenue authorities are obliged to give effect to the decree. The continued presence of that machinery, under the repealed Act and under the Act which has replaced it alike, is a further indication that the record of rights is designed to follow the adjudication of title and not to anticipate it. The submission of the learned Assistant Government Pleader to that effect is well founded and is accepted. Point (iii) is accordingly answered in favour of the petitioners and against the unofficial respondents.

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VRKR,J WP_18025_2021 Point (iv): Relief:

51. In view of the findings recorded on Points (ii) and (iii), the impugned order dated 25.06.2021 is liable to be set aside. Two clarifications are, however, necessary. The first is that nothing said in this order is to be understood as an expression of opinion upon the title to, or the possession of, the subject property. Those questions await adjudication in O.S.No.288 of 2021 and must be decided by the learned Junior Civil Judge, Thorrur, uninfluenced by any observation made here. The revenue entries and the pattadar pass books-cum- title deeds standing in the names of the petitioners are restored to the position obtaining immediately prior to the impugned order and shall abide by the result of that suit, and upon its disposal it will be open to either party to apply for a change in the record of rights under [Section 8](#) of the Act of 2025, being the provision now in force corresponding to [Section 7](#) of the Act of 2020.

52. The second is that, having regard to the finding recorded on Point (iii), no useful purpose would be served by remitting Tribunal Case No.273 of 2021 to the Special Tribunal or any competent authority under the Act of 2025, for fresh disposal. The controversy is one which the civil court alone can resolve and it is already seized of -32- VRKR,J WP_18025_2021 it. The parties shall accordingly work out their rights in the pending suit.

CONCLUSION AND RESULT

53. For the foregoing reasons, this Court is of the considered view that the order dated 25.06.2021 passed by the Special Tribunal cannot be sustained, both because it was passed after the death of respondent No.6 without his legal representatives being brought on record, and because the Special Tribunal, having relegated the parties to the civil court upon the question of title, had no jurisdiction to cancel the mutations and the pattadar pass books standing in the names of the petitioners. The repeal of the Act of 2020 by the Act of 2025 during the pendency of this writ petition makes no difference to that conclusion; if anything, [Sections 8](#) and [18](#) of the Act of 2025 place the position beyond doubt.

54. Accordingly, the writ petition is allowed. The order passed by the Special Tribunal in Tribunal Case No.273 of 2021 (ROR Appeal Petition No.E/656/2016/RDO), dated 25.06.2021, is hereby set aside. It is, however, made clear that this order shall not be construed as an expression of opinion on the title or possession of either party in respect of the subject property. The revenue entries and the Pattadar -33- VRKR,J WP_18025_2021 Pass Books-cum-Title Deeds standing in the names of the petitioners shall abide by the result of O.S.No.288 of 2021 pending on the file of the Court of the learned Junior Civil Judge, Thorrur. There shall be no order as to costs.

As a sequel, all pending miscellaneous applications, if any, shall stand closed.

24.09.2026 Note: LR copy to be marked.

B/o. AS -34- VRKR,J WP_18025_2021 THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY
WRIT PETITION No.18025 of 2021 (CNR No.HBHC010295852021) Date: 24.09.2026 AS