

**Smt. Palle Sabitha vs The State Of Telangana And 4 Others on 29
September, 2026**

*THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

+ W.P. No. 36866 of 2021

Between:

Palle Sabitha

.... Petitioner

AND

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

.... Respondents

JUDGMENT PRONOUNCED ON : 29.09.2026

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_36866_2021

THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

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Between:

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Represented by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad and others

....Respondents

! Counsel for the Petitioner

: Sri Putta Krishna Reddy

^ Counsel for unofficial respondents : Sri N. Ashok Kumar, learned
counsel appearing for
respondent No.5

^ Counsel for official respondents

: Sri L. Ravinder, learned
Assistant Government
Pleader for Revenue

< GIST :

> HEAD NOTE :

? Cases referred :

1. 2007 (3) ALD 391
2. 2003 (5) ALD 654 (DB)
3. 2003 (1) ALD 563 (DB)
4. 2008 (4) ALD 658
5. (2026) 5 SCC 168
6. 2026 (4) ALD 439 (TS) (DB)
7. TSHC: W.P.No.30148 of 2022, dated 27.01.2026
8. 2011 (4) ALD 197

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THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

WRIT PETITION No.36866 of 2021
(CNR No.HBHC0573942021)

Dated: 29.09.2026

Reserved on: 30.06.2026

Pronounced on: 29.09.2026

Uploaded on: 29.09.2026

Between:

Palle Sabitha.

... Petitioner

And

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

... Respondents

ORDER:

This writ petition, filed under [Article 226](#) of the Constitution of India, is directed against the order dated 01.07.2021 passed by the Special Tribunal, Yadadri-Bhuvanagiri District, in Revision Case No.F2/2743/2016 (renumbered as Special Tribunal Case No.F2/2069/2021), whereby the learned Tribunal dismissed, as not maintainable, the review sought by the petitioner of its earlier order dated 28.01.2021 passed in the said case, and thereby, in effect, reaffirmed the order dated 30.12.2015 passed by respondent No.3, the Revenue Divisional Officer, Bhuvanagiri, in Appeal Case No.D/1972/2011. The said appellate order had affirmed the -4- VRKR,J WP_36866_2021 validation, under [Section 5-A](#) of the A. P. Rights in Land and Pattadar Pass Books Act, 1971 (for short, "the ROR Act, 1971"), of a chain of three successive unregistered/sada sale transactions in favour of the respondent No.5, in respect of the agricultural land admeasuring Ac.4.00 guntas in Sy.No.418/A, situated at Mallapur Village, Yadagirigutta Mandal, Yadadri- Bhuvanagiri District (erstwhile Nalgonda District). Aggrieved thereby, the petitioner seeks issuance of a writ of certiorari calling for the records pertaining to the said proceedings and quashing the impugned order.

2. Heard Sri Putta Krishna Reddy, learned counsel appearing for the petitioner; Sri L. Ravinder, learned Assistant Government Pleader for Revenue, appearing for respondent Nos.1 to 4; and Sri N. Ashok Kumar, learned counsel appearing for respondent No.5. Perused the material on record.

FACTUAL BACKGROUND

3. The case of the petitioner, as set out in her affidavit, is that she purchased the subject agricultural land, admeasuring Ac.4.00 guntas in Sy.No.418/AA (referred to at other places in the record, including in the impugned proceedings, as Sy.No.418/A), situated at Mallapur Village, Yadagirigutta Mandal, then in Nalgonda District (now -5- VRKR,J WP_36866_2021 Yadadri- Bhuvanagiri District), under a registered sale deed bearing Document No.3692 of 2007 dated 23.08.2007, said to have been executed in her favour by Smt. Ghani Sabera and Md. Mahaboob Mia, and that she has been in physical possession of the land since the date of purchase.

4. Respondent No.5, on the other hand, traces her claim through a chain of three successive unregistered/sada transactions, none of which is a registered document: (i) a sada sale deed dated 18.12.1981, said to have been executed by Smt. Ghani Sabera, the original pattadar, in favour of one Mohd. Chinna Mahaboob Ali; (ii) another sada sale deed dated 28.12.1986, said to have been executed by the said Mahaboob Ali in favour of one Oruganti Rajaiah and others; and (iii) a further sale dated 10.02.2000, said to have been executed by Oruganti Rajaiah in favour of respondent No.5. On the

strength of the last of these documents, respondent No.5 moved a single application before the respondent No.4, the Tahsildar, Yadagirigutta, under Section 5-A of the ROR Act, 1971, seeking regularisation of the entire chain, which application was numbered as Proceeding No.B/735/2006.

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5. By Proceeding No.B/735/2006 dated 27.04.2008, that is to say, after the petitioner's registered sale deed dated 23.08.2007 over the very same land had already been executed and registered, the Tahsildar validated the said chain of three successive sada transactions in one stroke under Section 5-A of the ROR Act, 1971, and issued Form 13-B in favour of respondent No.5, without any notice to the petitioner or to Smt. Ghani Sabera Begum, the common original pattadar through whom both the petitioner and respondent No.5 trace title. Aggrieved, thereby the petitioner preferred an appeal under Section 5-B of the ROR Act, 1971 before the Revenue Divisional Officer, Bhuvanagiri, which was registered as Appeal Case No.D/1269/2008.

6. By order dated 19.06.2010, the Revenue Divisional Officer allowed the said appeal, set aside the Form 13-B certificate dated 27.04.2008 and remanded the matter for a de novo enquiry, upon recording the following procedural irregularities in the manner in which the certificate had originally been granted: (i) no notice had been served on the original land holder, Smt. Ghani Sabera Begum, though her address was available on record; (ii) no notice had been served on Sri Md. Mahaboob Ali, stated to have purchased the land from Smt. Ghani Sabera Begum and to have sold it to Oruganti -7- VRKR,J WP_36866_2021 Rajaiah and others; (iii) no notice had been served on the vendors of the claimant; (iv) there was a variance, between the panchanama drawn up by the Mandal Revenue Officer and by the Revenue Inspector, as to the date of purchase and the sale consideration; (v) though the sada sale deed dated 28.12.1986 recited that Mahaboob Ali had acquired the land as a protected tenant, the Tahsildar had not examined whether it was purchased or acquired through protected tenancy; and (vi) the Tahsildar had not examined whether respondent No.5 and her predecessors were recorded as occupants in the revenue records prior to 31.12.2000, which alone would attract the facility of validation under [Section 5-A](#).

7. On remand, the matter was renumbered as Proceeding No.B1/4269/2010 before the Tahsildar, Yadagirigutta. Notices were issued to all concerned and a local enquiry was conducted on 26.07.2010, in the course of which statements were recorded, inter alia, of Smt. Voruganti Sumathamma (widow of one of the executants of the sada sale deed dated 28.12.1986), Sri Md. Chinna Mahaboob Ali's brother's sons namely Jahangir, Mahboob and Abbas Ali, S/o. Imam Ali, who are also co-vendors of document dated 28.12.1986, Sri Palle Purushotham Reddy (the husband of the petitioner, who appeared on behalf of the objection-petitioner), and independent -8- VRKR,J WP_36866_2021 villagers, namely Sri Mohammed Dastagiri, Gujja Yellaiah, Gujja Kistaiah, Devaruppala Sattaiah and Chintakuntla Sudarshan Reddy. The notice addressed to Smt. Ghani Sabera Begum was returned unserved on two occasions, with an endorsement that the address was not clear/traceable, and she was never examined in the course of the enquiry. The Tahsildar recorded that the sada sale deed dated 28.12.1986 and the sale deed dated 10.02.2000 were not disputed, since the vendors thereunder had admitted execution. The Tahsildar, nevertheless, on the strength of a personal inspection and a panchanama dated 17.09.2010 and the pahanis from 1987-88 onwards (which did not record Smt. Ghani Sabera as occupant), found that respondent No.5 was in physical possession of the land, and by order dated 02.12.2010, once again confirmed the validation of the entire chain of sada transactions in her favour.

8. Aggrieved by the said order dated 02.12.2010, the petitioner preferred a further statutory appeal under [Section 5-B](#) before the Revenue Divisional Officer, Bhuvanagiri, numbered as Appeal (Case) No.D/1972/2011. By order dated 30.12.2015, the Revenue Divisional Officer dismissed the said appeal, holding, inter alia, that no notice under Rule 19 read with Form No.VIII was required to be issued to the petitioner, since she had not been shown to be the owner or -9- VRKR,J WP_36866_2021 possessor of the land, and that the enquiry conducted by the Tahsildar, culminating in a finding of possession in favour of respondent No.5, called for no interference, this, notwithstanding the Revenue Divisional Officer's own finding, recorded in paragraph 4 of the very same order, that the document dated 18.12.1981, said to have been executed by Smt. Ghani Sabera in favour of Mohd. Chinna Mahaboob Ali, "is in dispute".

9. Challenging the order dated 30.12.2015, the petitioner preferred a revision under Section 9 of the ROR Act, 1971 before the Joint Collector, Nalgonda, on 09.03.2016, numbered as Revision Case No.F2/2743/2016.

10. During the pendency of the said revision, the Telangana Legislature enacted the [Telangana Rights in Land and Pattadar Pass Books Act, 2020](#) (Act No.9 of 2020) ("the ROR Act, 2020"), which came into force with effect from 29.10.2020. Section 15 of the ROR Act, 2020 repealed the ROR Act, 1971 with effect from that date, and Section 16(1) provided that, on such repeal, all pending appeals and revisions under the ROR Act, 1971 shall stand transferred to Special Tribunals to be constituted under the new enactment, the order of the Tribunal on disposal being made final under Section 16(2). -10-

VRKR,J WP_36866_2021 Accordingly, by G.O.Ms.No.4, Revenue (Assignment-I) Department, dated 12.01.2021, the Government constituted the Special Tribunal, Yadadri-Bhuvanagiri District, comprising the District Collector and the Additional Collector (Revenue) as Members, for disposal of cases pending before the Revenue Authorities under the ROR Act, 1971, and Revision Case No.F2/2743/2016 stood transferred to, and was renumbered before, the said Special Tribunal as Case No.F2/2069/2021.

11. By order dated 28.01.2021, the Special Tribunal disposed of Case No.F2/2069/2021, upholding the order of the Revenue Divisional Officer dated 30.12.2015. Thereafter, pursuant to the directions of this Court in W.P.(PIL) No.20 of 2021, that fresh orders be passed after affording a reasonable opportunity of personal hearing wherever such opportunity was sought, and instructions issued by the Government in that behalf, the petitioner filed what is styled, in the record, as a review petition on 16.04.2021, seeking review of the order dated 28.01.2021. By the impugned order dated 01.07.2021, the Special Tribunal, after setting out the sequence of proceedings before the Tahsildar and the Revenue Divisional Officer, recorded that it found no valid reason to interfere with the order of the Revenue Divisional Officer dated 30.12.2015, and, in that view, -11- VRKR,J WP_36866_2021 dismissed the review petition "as not maintainable". It may be noticed that the Special Tribunal did not, even at that stage, undertake any fresh examination of the jurisdictional objection now pressed before this Court.

12. Aggrieved thereby, the petitioner has instituted the present writ petition.

13. It requires to be noticed that, during the pendency of the writ petition, this Court, by order dated 29.12.2021, restrained respondent No.5 from creating any lien or charge over the subject land. In her counter-affidavit, respondent No.5 has, however, disclosed that, even prior to the filing of the writ petition, she had transferred the subject property in favour of her husband under registered Document No.12396 of 2016 dated 25.07.2016, and that the property was thereafter transferred in favour of their son under registered Document No.01 of 2020 dated 04.11.2020, and has, on that basis, sought vacation of the interim order dated 29.12.2021 as having become infructuous.

RELEVANT STATUTORY PROVISIONS

14. Before advertizing to the rival contentions, it is necessary to notice the provisions of the ROR Act, 1971, under which the -12- VRKR,J WP_36866_2021 impugned proceedings were initiated and carried to their conclusion, the Rules framed thereunder prescribing the procedure for such regularisation, and the change in the statutory regime that intervened during their pendency.

15. Section 5-A of the ROR Act, 1971, providing for regularisation of certain unregistered alienations or transfers, reads as under:

"5-A. Regularisation of certain alienations or other transfers of lands:

(1) Notwithstanding anything contained in this [Act, the Transfer of Property Act, 1882](#), the [Registration Act, 1908](#) or any other law for the time being in force, where a person is an occupant by virtue of an alienation or transfer made or effected otherwise than by registered document, the alienee or the transferee may, within such period as may be prescribed, apply to the Mandal Revenue Officer for a certificate declaring that such alienation or transfer is valid.

(2) On receipt of such application, the Mandal Revenue Officer shall after making such enquiry as may be prescribed require the alienee or the transferee to deposit in the office of the Mandal Revenue Officer an amount equal to the registration fees and the stamp duty that would have been payable had the alienation or transfer been effected by a registered document in accordance with the provisions of the [Registration Act, 1908](#) as fixed by the registering officer on a reference made to him by the Mandal Revenue Officer on the basis of the value of the property arrived at in such manner as may be prescribed:

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VRKR,J WP_36866_2021 Provided that the Mandal Revenue Officer shall not require the alienee or the transferee to deposit the amount under this sub- section unless he is satisfied that the alienation or transfer is not in contravention of the provisions of the [Andhra Pradesh Land Reforms \(Ceiling on Agricultural Holdings\) Act, 1973](#), the [Urban Land \(Ceiling and Regulation\) Act, 1976](#), the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 and the [Andhra Pradesh Assigned Lands \(Prohibition of Transfers\) Act, 1977](#).

(3) Nothing contained in sub-section (1) and sub-section (2) shall be deemed to validate any alienation where such alienation is in contravention of the provisions of the [Andhra Pradesh Land Reforms \(Ceiling on Agricultural Holdings\) Act, 1973](#), the [Urban Land \(Ceiling and Regulation\) Act, 1976](#), the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 and the [Andhra Pradesh Assigned Lands \(Prohibition of Transfers\) Act, 1977](#).

(4) The Mandal Revenue Officer on deposit of an amount specified in sub-section (2), shall issue a certificate to the alienee or the transferee declaring that the alienation or transfer is valid from the date of issue of certificate and such certificate shall, notwithstanding anything in the [Registration Act, 1908](#) be evidence of such alienation or transfer as against the alienor or transferor or any person claiming interest under him.

(5) The recording authority, shall on the production of the certificate issued under sub-section (2) make an entry in the pass book to the effect that the person whose name has been recorded as an occupant is the owner of the property."

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16. Section 5-B, providing for an appeal against an order under Section 5-A(4), reads:

"5-B. Appeal: An appeal shall lie against an order passed by the Mandal Revenue Officer under sub-section (4) of [Section 5- A](#), to the Revenue Divisional Officer within thirty days of the date of communication of the order and the Revenue Divisional Officer shall after due enquiry pass such order on the appeal as he deems fit, and such order shall, subject to revision under [Section 9](#) be final."

17. [Section 9](#), conferring a revisional power on the Collector, reads:

"9. Revision: The Collector may either suo motu or on an application made to him, call for and examine the record of any Recording Authority, Mandal Revenue Officer or Revenue Divisional Officer under [Sections 3, 5](#), 5-A or 5-B, in respect of any record of rights prepared or maintained to satisfy himself as to the regularity, correctness, legality or propriety of any decision taken, order passed or proceedings made in respect thereof and if it appears to the Collector that any such decision, order or proceedings should be modified, annulled or reversed or remitted for re-consideration, he may pass orders accordingly:

Provided that no such order adversely affecting any person shall be passed under this section unless he had an opportunity of making a representation."

18. [Section 10\(1\)](#), relied upon by learned counsel for respondent No.5 as conferring civil court powers on the recording and appellate authorities, reads:

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VRKR,J WP_36866_2021 "10. Powers of recording and appellate authorities: (1) A recording authority or an appellate authority or any other officer shall, for the purpose of holding any enquiry under this Act, have the same powers as are vested in a civil court under [the Code of Civil Procedure](#), 1908 (Central Act 5 of 1908), when trying a suit in respect of the following matters, namely:--

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents; and
- (c) any other matter which may be prescribed."

19. The procedure for regularisation under Section 5-A is, in turn, prescribed by Rule 22 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 ("the Rules"), the material part of which reads as under:

"22. Regularisation of certain alienations or transfers of land.

(1) The Mandal Revenue Officer shall issue a general Notification in Form No.IX, calling for applications from the persons who are recorded as occupants in Adangal/Pahani Patrika or in Record of Rights prepared earlier by virtue of an alienation or transfer made or effected otherwise than by registered document for declaring such alienation as valid. Such notification shall be published in the District Gazette in which the village is situated and also by affixture in the chavadi (or other conspicuous place), on the notice boards of the Gram Panchayat office, the Primary Agricultural Co-operative Society and the school, if any, by beat -16- VRKR,J WP_36866_2021 of tom-tom in the village, and by affixture on the notice boards of the Mandal Revenue Officer and of the Mandal Praja Parishad.

(2) The alienee or transferee shall file application in Form X on or before 31-10-1998 on the notification issued under sub-rule (1), to the Mandal Revenue Officer, provided the alienation/transfer took place before 31-7-1989.

(3) On receipt of the application under sub-section (2) of [Section 5-](#)

[A of the Act](#), the Mandal Revenue Officer shall issue notice to the alien[or] or transferor in Form No.XI specifying therein the date on which and the time at which he proposes to enquire into the application, he shall also cause to issue a notice in Form No.XII to all other persons believed to be interested in the land specifying therein, date, time and place at which he proposes to enquire into the application. Only un-registered documents shall be considered under [Section 5-A](#) of the Act.

(4) On the day so appointed or any other day to which the enquiry may be adjourned by him, the Mandal Revenue Officer shall, after hearing the parties and on examining their documents and witnesses, if any, and after taking such further evidence as he may consider necessary to satisfy himself that the alienation or transfer is not in contravention of any of the provisions of the Acts referred to in rule 9(i)(a)(iv), complete the enquiry. (5) ... the Mandal Revenue Officer shall require the alienee or the transferee ... to deposit ... an amount equal to the registration fee and stamp duty that would have been payable had the alienation or transfer been effected by a registered document ...; and, on such deposit, shall issue a certificate in Form No.XIII-B ... -17-

VRKR,J WP_36866_2021 to the alienee or the transferee declaring that the alienation or transfer is valid from the date of issue of the certificate. (6) The Recording Authority shall, on production of the certificate issued under sub-section (4) of [Section 5-A](#) of the Act, make an entry in the Record of Rights in Forms I and I-B to the effect that the person whose name has been recorded as an occupant is the owner of the property from the date of issue of the said certificate. (7) Thereafter a title deed and pass book shall be issued to the occupant in the category of owner Pattadar. 22-A. (1) An Appeal against every order of the Mandal Revenue Officer under sub-section (4) of [Section 5-A](#) of the Act shall lie to the Revenue Divisional Officer/Sub-Collector/Assistant Collector. ... (4) Every appeal shall be disposed of within a period of six months from the date of filing the appeal."

20. Rule 22(3) thus makes it mandatory that the Mandal Revenue Officer/Tahsildar issue notice, in Form No.XI, to the "alien[or] or transferor" of the very document sought to be regularised, before proceeding to enquire into an application under Section 5-A. Rule 22(1) further confines the regularisation contemplated by Section 5-A to "an alienation or transfer" (in the singular) by which the applicant himself is shown as an occupant; it does not contemplate the regularisation, in a single certificate, of a series of successive unregistered instruments by different executants at different points in time, each depending for its own validity upon the one preceding it. -18-

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21. As already noticed in paragraph 10 above, Section 15 of the ROR Act, 2020 repealed the ROR Act, 1971 with effect from 29.10.2020, and [Section 16](#) provided for the transfer of pending appeals and revisions to Special Tribunals constituted thereunder, the order of the Tribunal being made final. It is under this transitional dispensation that the revision preferred by the petitioner came to be transferred to, and disposed of by, the Special Tribunal. SUBMISSIONS ON BEHALF OF THE PETITIONER

22. Against this statutory backdrop, Sri Putta Krishna Reddy, learned counsel for the petitioner, submits that the order of the Special Tribunal is erroneous, unjust and unsustainable, in law and on facts. Learned counsel places reliance on [V. Krishnaiah and Others v. Joint Collector, Mahabubnagar and Others](#)¹, [Konkana Ravinder Goud and Others v. Bhavanarishi Co-operative House Building](#)

[Society, Hyderabad and Others](#)², [K. Seetharama Reddy and another v. Hassan Ali Khan and Others](#)³, and [A. Sarojamma and another v. A. Parvath Reddy](#) (died) by LR.s. and others⁴, for the proposition that the jurisdiction of the Mandal Revenue Officer/Tahsildar to grant a certificate of regularisation under Section 5-A is confined to cases 12007 (3) ALD 391 22003 (5) ALD 654 (DB) 32003 (1) ALD 563 (DB) 42008 (4) ALD 658 -19- VRKR,J WP_36866_2021 where the execution of the document sought to be regularised is not disputed, and that where such execution, or the underlying title, is disputed, the Mandal Revenue Officer has no jurisdiction to adjudicate the dispute, the remedy being a civil suit.

23. It is submitted that the authorities below gravely erred in confirming the validation in favour of respondent No.5 despite their own finding, recorded by the Revenue Divisional Officer in paragraph 4 of the order dated 30.12.2015, that the foundational document dated 18.12.1981 was itself in dispute. It is contended that once the very root of respondent No.5's title stood disputed, the entire chain of subsequent sada transactions traced through it stood equally vitiated, and the Tahsildar could not have proceeded to validate it under Section 5-A.

24. It is further submitted that there is no dispute that Smt. Ghani Sabera Begum was the original pattadar of the subject property, and that she executed a registered sale deed, bearing Document No.3692 of 2007 dated 23.08.2007, in favour of the petitioner. There is no material on record establishing that the original pattadar had, prior thereto, validly parted with the property in favour of any third party; on the contrary, notices addressed to -20- VRKR,J WP_36866_2021 her, both pursuant to the Revenue Divisional Officer's appellate order dated 19.06.2010 and again on remand before the Tahsildar, were returned unserved, and she was never examined in the course of the enquiry. In these circumstances, the claim that the rights of respondent No.5's vendor, Oruganti Rajaiah, had crystallised in law so as to enable him to convey title to respondent No.5, itself remained unestablished.

25. It is further submitted that a registered sale deed carries a presumption of validity and genuineness, that registration is not a mere procedural formality. Learned counsel submits that the impugned order, by recognizing and validating a chain of transactions in respect of the very same land, have the effect of nullifying the petitioner's registered sale deed dated 23.08.2007, which was prior in time to the validation proceedings, without the registered document ever having been placed in issue before it, or its holder heard. It is contended that such a dispute could be adjudicated only by a competent civil court on the basis of appropriate pleadings and evidence.

26. Learned counsel further submits that the reliance placed by the Tahsildar upon the panchanama dated 17.09.2010 and the -21- VRKR,J WP_36866_2021 pahanis, to record a finding of possession in favour of respondent No.5, was misplaced, since the enquiry contemplated under Section 5-A and Rule 22 is confined to ascertaining whether the document presented is capable of being regularised within the four corners of that provision, and does not extend to an adjudication of disputed possession or title as between rival claimants, more so where one of them holds a registered sale deed.

27. It is lastly submitted that the Revenue Divisional Officer's own order dated 19.06.2010 had recorded no fewer than six distinct procedural irregularities attending the grant of the original Form 13- B certificate, including the failure to serve notice on the original pattadar and on Md. Mahaboob Ali, and yet, even on remand, the enquiry that culminated in the order dated 02.12.2010 proceeded without ever securing the presence, or recording the version, of Smt. Ghani Sabera Begum, the very person whose alleged alienation lies at the root of respondent No.5's claim of title.

SUBMISSIONS ON BEHALF OF RESPONDENT NO.5

28. Per contra, Sri N. Ashok Kumar, learned counsel for respondent No.5, submits that the Tahsildar, in proceedings under the ROR Act, 1971, is invested with the powers of a civil court under [Section 10\(1\)](#) -22- VRKR,J WP_36866_2021 of the Act, and that the enquiry conducted by the Tahsildar, recording depositions, conducting a local inspection and panchanama, and weighing the documentary and oral evidence, including the depositions of independent villagers, was a valid and lawful exercise of that power. It is submitted that the sada sale deeds dated 28.12.1986 and 20.02.2000 were never disputed by the vendors thereunder, that respondent No.5 has been in continuous, peaceful possession of the land for over two decades, and that the concurrent findings recorded by the Tahsildar, the Revenue Divisional Officer and the Special Tribunal, being findings of fact, do not warrant interference in the exercise of this Court's jurisdiction under [Article 226](#) of the Constitution of India.

29. It is further submitted, relying upon the averments in the counter-affidavit, that the registered sale deed bearing Document No.3692 of 2007, relied upon by the petitioner, was never followed by delivery of possession, inasmuch as the regularisation proceedings under Section 5-A had already been set in motion as early as 2006, prior to the petitioner's purchase, and that the petitioner cannot, on the strength of the said registered document, displace the title of respondent No.5, whose predecessors are stated to have been in possession since 1981. It is submitted that the petitioner, if so -23- VRKR,J WP_36866_2021 advised, may work out her remedies before the competent civil court, and that the present writ petition, invoking the extraordinary jurisdiction of this Court under [Article 226](#), is not the appropriate remedy to unsettle findings of fact concurrently recorded by three revenue authorities. It is also submitted that, respondent No.5 having transferred the property to her husband as early as 25.07.2016, and the property having thereafter been transferred to their son on 04.11.2020, both transfers preceding institution of the writ petition, the interim order dated 29.12.2021 restraining creation of third-party interest is rendered infructuous, and that the writ petition deserves to be dismissed.

POINTS FOR CONSIDERATION

30. Having regard to the pleadings, the rival submissions and the material on record, the following points arise for consideration:

(i) Whether the respondent authorities were justified in validating, under Section 5-A of the ROR Act, 1971 and Rule 22 of the Rules, the chain of three successive unregistered/sada sale transactions in favour of respondent No.5, when the foundational transaction dated 18.12.1981 was found by the authorities themselves to be disputed, and when the petitioner held a registered sale deed over the very same land?

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(ii) Whether the Tahsildar, in the exercise of jurisdiction under Section 5-A, could adjudicate the disputed questions of execution, validity and title arising out of the transaction dated 18.12.1981 and the subsequent chain of transactions, and whether [Section 10\(1\)](#) of the Act enlarges that jurisdiction so as to permit such adjudication?

(iii) What is the effect, if any, of the subsequent alienations made by respondent No.5 during the pendency of these proceedings?

31. These points are considered together below, in the order in which they have been framed.

ANALYSIS AND FINDINGS Point (i)

32. The scheme of Section 5-A, extracted in paragraph 15 above, read with Rule 22 of the Rules extracted in paragraph 19 above, makes it clear that the power thereunder is confined to according regularisation to "an alienation or transfer", in the singular, made or effected otherwise than by registered document, where the alienee or transferee is already "an occupant" by virtue thereof, and Rule 22(3) mandates notice, in Form No.XI, to the alienor/transferor of that very document before any such enquiry is undertaken. The provision nowhere contemplates an adjudication, by the Mandal Revenue Officer -25- VRKR,J WP_36866_2021 Officer/Tahsildar, of a dispute as to whether the alienation or transfer in question was at all made by the person from whom title is traced, nor does it contemplate the validation, in a single certificate, of a chain of three successive unregistered instruments executed by three different persons over nearly two decades, each depending for its validity on the one before it. This position stands settled by a line of decisions of this Court.

33. In [V. Krishnaiah](#)'s case (supra) it was held that the jurisdiction of the recording authority under Section 5-A is confined to cases where no dispute exists regarding execution of the document, and that in case of such a dispute, or where other contentions are raised, the dispute has invariably to be adjudicated by the civil court.

34. Similarly, in [Konkana Ravinder Goud](#)'s case (supra) a Division Bench of the composite High Court of Andhra Pradesh held:

"There is no machinery or mechanism provided in the Act that even a person who has entered into an agreement of sale and in case sale is not completed but he has been put into possession of the property even on payment of entire sale consideration that can approach the Mandal Revenue Officer for grant of a certificate under [Section 5-A](#) of the Act. The Mandal Revenue Officer in such a case cannot proceed to hold an enquiry as to whether agreement of sale has been complied with or not. On the failure on the part of the vendor to complete the sale transaction, a person in whose favour there is an agreement of sale can seek specific performance of the agreement of sale so as -26- VRKR,J WP_36866_2021 to convey right, title or interest of the vendors. The machinery provided under the Act is not the appropriate machinery for perfecting title merely on the basis of agreement to sell."

35. Likewise, in [K. Seetharama Reddy](#)'s case (supra), it was held that transactions under documents which are mere agreements of sale cannot be regularised under Section 5-A.

36. This Court has also had occasion to hold, in A. Sarojamma's case (supra) that:

"16. Assuming that there was no impediment for the 4th respondent, to entertain an application under [Section 5-A](#) of the Act, even in respect of an unregistered partition deed, it needs to be seen as to whether the 1st respondent made out a case for grant of the relief thereunder. A perusal of the order passed by the 4th respondent discloses that he did not go through the full facts of the case. The service of notice virtually was treated as a formality and the contentions advanced on behalf of the petitioners were not taken into account, at all. Firstly, the person, who was a party to the deed, was not alive, and it was sought to be enforced against the legal representatives. Secondly, when the very genuineness of the document was disputed, the 4th respondent ought not to have taken upon himself, the functions of adjudication, into the merits of the matter. It is not as if the 1st respondent did not have any remedy. In view of the serious dispute as to the genuineness of the document, he ought to have canvassed the remedies before a civil court.

17. The inadequacy of [Section 5-A](#) of the Act, to deal with contentious issues, was pointed out by this Court, in B. Pushpamma's case and [V. Krishnaiah](#)'s case. The subject matter in B.

Pushpamma's case was also a deed of partition. It was held by this Court that the rights flowing out of a deed of partition, cannot constitute the subject matter of proceedings under [Section 5-A](#) of the Act. It was pointed out that such a situation would be -27- VRKR,J WP_36866_2021 taken care of, under [Section 4](#) of the Act. Para -7 of the said judgment reads as under:

As per Sub-section (1) of [Section 5-A](#) of the Act, where a person is an occupant by virtue of alienation or transfer made or effected otherwise than by registered document, such alienee or transferee may apply to the Mandal Revenue Officer for certificate declaring that such alienation or transfer is valid. In the case of partition deed, there is no such alienation or transfer, but only adjustment of rights among joint owners and co-sharers with the property. Further under [Section 4](#) of the Act, any person acquiring property, inter alia, by partition has to apply to the Mandal Revenue Officer seeking amendment of record of rights. For example, if the property is originally shown in the record of rights as belonging to the father, after death of the father, his sons have to apply under [Sections 4](#) and [5](#) of the Act for amendment of the record of rights, if there is a partition between them. Therefore, the orders of the Mandal Revenue Officer as well as the Revenue Divisional Officer suffer from misdirection in law."

37. It is true that in [A. Sarojamma](#)'s case (supra), this Court was concerned with a deed of partition, and it was held that a partition, not being an "alienation" or "transfer" covered by the [Transfer of Property Act](#), falls outside the scope of Section 5-A altogether. The observations extracted above are, nonetheless, of direct relevance here, inasmuch as they reaffirm, expressly advertent to [V. Krishnaiah](#)'s case (supra), that where there is a "serious dispute as to the genuineness of the document", the Mandal Revenue Officer/Tahsildar does not have the power to grant validation under Section 5-A. -28- VRKR,J WP_36866_2021

38. Applying the above principles, once the Revenue Divisional Officer, himself in paragraph 4 of the order dated 30.12.2015, recorded in terms that the sada sale deed dated 18.12.1981, the foundational document in the chain relied upon by respondent No.5, was "in dispute", neither authority retained the jurisdiction to proceed further and grant, or confirm, a certificate of validation resting upon that very document. That the subsequent sada sale deeds dated 28.12.1986 and 10.02.2000 were, as between their respective vendors and vendees, admitted and undisputed, does not cure this jurisdictional infirmity, for a chain of title is no stronger than its first link: where the very foundation, the alienation said to have been made by the original pattadar, Smt. Ghani Sabera Begum, remains in serious dispute, and indeed unproved, given that she could never be served or examined, the entire superstructure raised upon it cannot be regularised under Section 5-A.

39. The above conclusion is reinforced by Rule 22 of the Rules, which prescribes the procedure to be followed in an application for validation under Section 5-A, including notice to the alienor/transferor and other persons interested in the land and an enquiry after affording the concerned parties an opportunity to place their documents and evidence. The Rule, read with Section 5-A, does -29- VRKR,J WP_36866_2021 not contemplate that a subsequent transferee may rely upon a later sadabainama without first establishing the foundational alienation through which the subsequent transferor claims. The statutory enquiry must therefore proceed from the root of the alleged chain of alienations and not by treating a subsequent transaction as independently capable of curing a defect in the foundational transaction.

40. In the present case, the alleged sadabainama dated 28.12.1986 was admittedly a subsequent transaction through Md. Chinna Mahaboob Ali, whose own claim depended upon the earlier sadabainama dated 18.12.1981 allegedly executed by the original pattadar, Ghani Sabera Begum. Once the latter transaction was itself recorded by the authorities as being "in dispute", the subsequent

sadabainama could not, by its own execution or by the alleged possession of the subsequent transferees, furnish an independent foundation for validation under Section 5-A. In substance, the second transaction could be acted upon only after the first transaction, upon which the second transaction necessarily depended, was established in accordance with law.

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41. This position is also consistent with the settled principle expressed in the maxim *nemo dat quod non habet*, namely, that a person cannot ordinarily convey a better title than he himself possesses. The maxim is relevant here only to explain the legal consequence of the disputed chain: if the title of Md. Chinna Mahaboob Ali was itself dependent upon an unestablished and disputed alienation from the original pattadar, his subsequent transferee could not acquire an independent or better title merely through the later sadabainama. Thus, Rule 22 and Section 5-A required the foundational transaction to be dealt with first, while the principle of *nemo dat quod non habet* demonstrates why the subsequent transaction could not be treated as curing the defect at the root of the chain. The revenue authorities, therefore, could not validate the subsequent chain without first resolving the foundational dispute in the manner known to law.

42. Two further considerations reinforce this conclusion. First, it bears emphasis that the certificate under Proceeding No.B/735/2006 was issued only on 27.04.2008, that is, after the petitioner's registered sale deed dated 23.08.2007 had already come into existence over the very same land, and without any notice to her, though Rule 22(3) required notice not merely to the alienor of the -31- VRKR,J WP_36866_2021 document sought to be regularised but to "all other persons believed to be interested in the land". Second, a registered instrument stands on a different footing from a sadabainama. As held by the Honourable Supreme Court in [Hemalatha \(D\) by LRs v. Tukaram \(D\) by LRs](#) and others⁵:

"31. It is a settled position of law that a registered Sale Deed carries with it a formidable presumption of validity and genuineness. Registration is not a mere procedural formality but a solemn act that imparts high degree of sanctity to the document. Consequently, a Court must not lightly or casually declare a registered instrument as a 'sham.'"

43. A Division Bench of this Court in A.R. Hemavathy (died) per LRs. v. A.D. Venkatesh⁶, has similarly held that a registered sale deed is not a mere piece of evidence but a formal declaration of title recognised by law, carrying a presumption of validity and correctness, that this presumption forms a cornerstone of property law, ensuring certainty and stability in transactions. If a civil court, possessed of plenary jurisdiction and seized of a specific plea, may not lightly treat a registered sale deed as a sham or a nullity, it follows a fortiori that the Tahsildar, exercising the summary and limited jurisdiction conferred by Section 5-A, without the registered deed even being in issue before him, and without notice to its holder, could have no 5(2026) 5 SCC 168 62026 (4) ALD 439 (TS) (DB) -32- VRKR,J WP_36866_2021 power to render such a document of no effect. Yet that, in substance, is what the proceedings culminating in Form 13-B dated 27.04.2008, and their subsequent confirmation, have achieved: they have validated, in favour of respondent No.5, a chain of three unregistered instruments over land already covered by the petitioner's registered sale deed, without the latter document ever being adverted to, still less displaced by any competent finding.

44. It follows from the foregoing that the impugned validation suffers from a threefold infirmity: it rests upon a foundational transaction found by the authorities themselves to be disputed; it purports, in a manner not contemplated by Section 5-A or Rule 22, to regularise a chain of three successive

unregistered instruments in one stroke, without first establishing the transaction at the root of that chain; and it was granted without notice to, and in derogation of, a subsisting registered instrument in favour of the petitioner. Point (i) is accordingly answered in favour of the petitioner and against the respondents.

Point (ii)

45. The submission on behalf of respondent No.5 that Section 10(1) of the ROR Act, 1971 vests the Tahsildar with the powers of a -33- VRKR,J WP_36866_2021 civil court, and thereby confers competence to decide the dispute regarding the document dated 18.12.1981, cannot be accepted. [Section 10\(1\)](#), extracted in paragraph 18 above, confers upon the recording or appellate authority certain specified procedural powers "for the purpose of holding any enquiry under this Act", namely, the power to summon and examine witnesses on oath and to require discovery and production of documents. These are powers of a purely evidence-gathering, procedural character, conferred to enable the authority to conduct the limited enquiry contemplated under Section 5-A and Rule 22, that is, whether the document presented is capable of being regularised. [Section 10\(1\)](#) does not, whether expressly or by necessary implication, enlarge the substantive jurisdiction conferred by Section 5-A so as to enable the Tahsildar to conclusively adjudicate a disputed question as to whether a particular person executed a particular document, or as to who holds title to the property, an adjudication that lies squarely within the domain of a civil court.

46. This distinction has been recognised by this Court in Goli Bhagyamma v. State of Telangana and others⁷, where, on facts materially similar to the present, the execution of the foundational 7TSHC: W.P.No.30148 of 2022, dated 27.01.2026 -34- VRKR,J WP_36866_2021 sada sale deed was itself disputed, and it was held that once the execution of a document is disputed, the recording authority has no jurisdiction to regularise the transaction under Section 5-A, the claimant being relegated to work out his rights before the competent civil court. A similar view finds support in Pureli Chandraiah v. Joint Collector, Karimnagar⁸, to the effect that the power under Section 5-A cannot be exercised for adjudicating disputed questions of title, execution or possession.

47. It follows that the circumstance that the Tahsildar recorded statements, conducted a local inspection, and drew up a panchanama, cannot, these being no more than an exercise of the procedural powers under [Section 10\(1\)](#), and at best satisfying the notice-based enquiry contemplated by Rule 22(3)-(4) as to persons other than the alienor, confer jurisdiction to conclusively hold that Smt. Ghani Sabera Begum had, in fact, executed the sada sale deed dated 18.12.1981, or that respondent No.5 had thereby acquired valid title. Indeed, the very fact that the Tahsildar found it necessary to personally inspect the land and record a panchanama on possession, in order to sustain the validation, itself betrays that what was being undertaken was an adjudication of a disputed question of 82011 (4) ALD 197 -35- VRKR,J WP_36866_2021 fact going to title and possession, an exercise outside the limited enquiry that Section 5-A and Rule 22(3)-(4) permit, and one for which notice to Smt. Ghani Sabera Begum, the alienor of the foundational document, was indispensable and yet was never effected. The existence of a registered sale deed bearing Document No.3692 of 2007 in favour of the petitioner, tracing title to the very same original pattadar, only reinforces that what is really in controversy is a question of title and priority between two competing claimants, a controversy Section 5-A was never designed to resolve, and one that can properly be adjudicated only by a competent civil court.

48. It may also be noticed that the Revenue Divisional Officer's order dated 30.12.2015 records, in the same breath as its finding that the document dated 18.12.1981 is disputed, that no notice under Rule 19/Form No.VIII was necessary since the petitioner had not been shown to be the owner or possessor

of the land, a conclusion that could only have been reached by first assuming the very matter in controversy, namely, that respondent No.5, and not the petitioner, held valid title. This circularity in reasoning reinforces that the dispute could not have been resolved within the confines of a Section 5-A enquiry. The Special Tribunal, while disposing of the review on 01.07.2021, did not advert to this aspect at all, and -36- VRKR,J WP_36866_2021 proceeded merely to reiterate the sequence of proceedings before the subordinate revenue authorities, without examining whether, in the face of a disputed foundational document, the validation under Section 5-A could at all have been sustained. Point (ii) is accordingly also answered in favour of the petitioner and against the respondents. That leaves only the question of the effect, if any, of the subsequent alienations made by respondent No.5 during the pendency of these proceedings.

Point (iii)

49. The disclosure made by respondent No.5, in her counter- affidavit, that she transferred the subject property to her husband under registered Document No.12396 of 2016 dated 25.07.2016, and that the property was thereafter transferred to their son under registered Document No.01 of 2020 dated 04.11.2020, both well before institution of the present writ petition and grant of the interim order dated 29.12.2021, does not have the effect contended for by respondent No.5. The setting aside of the validation proceedings, and the liberty being granted to the parties to approach the civil court, as recorded in the Conclusion below, leaves all questions of title, including such rights, if any, as flow from the said subsequent transfers, open to be agitated before the competent civil court, upon -37- VRKR,J WP_36866_2021 impleadment of the necessary parties. It is made clear that, since neither the husband nor the son of respondent No.5, nor any other subsequent transferee, has been impleaded before this Court, no finding is, or can be, rendered as to the validity or effect of the said transfers; the observation is confined to noticing that the interim order dated 29.12.2021 does not survive the disposal of this writ petition.

50. Having answered the three points as above, it remains only to state the conclusion that follows and the consequential result. CONCLUSION

51. For the foregoing reasons, this Court is of the considered view that the respondent authorities, having themselves found that the foundational transaction dated 18.12.1981 was disputed, exceeded their jurisdiction under Section 5-A of the ROR Act, 1971 and Rule 22 of the Rules in validating, in one stroke and without notice to the petitioner, a chain of three successive sada sale transactions traced through that document, in favour of respondent No.5, over land already covered by the petitioner's subsisting registered sale deed. [Section 10\(1\)](#) of the Act did not clothe the Tahsildar with the power to adjudicate that disputed question, nor to displace, in the course of a -38- VRKR,J WP_36866_2021 summary enquiry, the presumption of validity attaching to a registered instrument. The impugned order of the Special Tribunal, having failed to advert to these jurisdictional infirmities, cannot be sustained. The following order is accordingly passed. RESULT

52. The Writ Petition is allowed. The order dated 01.07.2021 passed by the Special Tribunal, Yadadri-Bhuvanagiri District, in Revision Case No.F2/2743/2016 (renumbered as Case No.F2/2069/2021), is set aside. Consequently, the order dated 30.12.2015 passed by the Revenue Divisional Officer, Bhuvanagiri, in Appeal Case No.D/1972/2011, and the proceedings of the Tahsildar, Yadagirigutta, in Proceeding No.B1/4269/2010 dated 02.12.2010, together with the underlying validation Proceeding No.B/735/2006 dated 27.04.2008 issued under Section 5-A of the ROR Act, 1971, are also set aside.

53. Liberty is granted to the parties to approach the competent civil court for adjudication of their respective rights, title and possession over the subject property, if so advised, including as regards the effect, if any, of the subsequent transfers dated 25.07.2016 and 04.11.2020 referred to above. The

competent civil court shall -39- VRKR,J WP_36866_2021 adjudicate the dispute independently and in accordance with law, uninfluenced by any observation made in this order.

54. It is made clear that this Court has not expressed any opinion on the rival claims of the parties, or upon the question of title over the subject property. All contentions of the parties are left open to be urged before the competent civil court.

55. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

29.09.2026 AS Note: LR copy to be marked.

VAKITI RAMAKRISHNA REDDY, J Date:

B/o. AS