
(2025) 09 TH CK 0002

Telangana HC

Case No: Writ Appeal No. 1247 Of 2017

State of Telangana and
others

APPELLANT

Vs

M. Anthamma

RESPONDENT

Date of Decision: Sept. 26, 2025

Acts Referred:

- Andhra Pradesh Land Revenue Act, 1317 — Section 166(b)

Hon'ble Judges: Abhinand Kumar Shavili, J; Vakiti Ramakrishna Reddy, J

Bench: Division Bench

Advocate: Srinivasa Chary

Final Decision: Dismissed

Judgement

Vakiti Ramakrishna Reddy, J

1. This Writ Appeal is preferred by the appellants against the order dated 23.01.2017 passed by the learned Single Judge in W.P.No.24461 of 2011, whereby the Writ Petition filed by the respondent herein was allowed while setting aside the order of cancellation of assignment, with consequential directions pertaining to the assigned land in Sy.No.300, situated at Kongara Kalan Village, Ibrahimpatnam Mandal, Ranga Reddy District.

BRIEF FACTS OF THE CASE:

2. The respondent/writ petitioner filed Writ Petition No.24461 of 2011 before this Court, challenging the proceedings No.D4/2654/1988 dated 02.09.1998 passed by respondent No.2 in cancelling the assignment of land to an extent of Ac.3.21 guntas in Sy.No.300, situated at Kongara Kalan Village, Ibrahimpatnam Mandal, Ranga Reddy District, after more than three decades after the assignment was made.

3. Admittedly, the respondent/writ petitioner's father passed away in the year 1960 leaving the respondent/writ petitioner, then a minor, as his legal heir. Subsequently, the then Tahsildar of Ibrahimpatnam, in order to provide support to the respondent, assigned the land to the respondent vide proceedings R.Dis.D.9756/1961. Thereafter, the respondent and her mother enjoyed continuous possession of the land, put it under cultivation, and were engaged in agricultural activities. Moreover, the respondent's name was mutated in the revenue records, and she was also issued Pattadar Pass Book and Title Deeds for the land.

4. However, in the year 1998, the appellant No.2-The District Revenue Officer initiated proceedings under Section 166-B of the Andhra Pradesh Land Revenue Act, 1317 Fasli (now called as "the Telangana Land Revenue Act, 1317 Fasli" (hereinafter referred to as "the 1317 Fasli Act"), proposing to cancel the assignment on the grounds that the respondent was a minor at the time of assignment, and further on the allegation that the assignment was obtained unlawfully due to the involvement of a Patwari named Ratna Rao, who was suspended from service for misconduct in 1978. It was also asserted by the appellant No.2 that the respondent got the land because she was related to the said Patwari.

5. After initiation of such proceedings under Section 166-B of the 1317 Fasli Act, the respondent had refuted all such allegations by submitting a detailed explanation therein. The respondent clarified that she is the daughter of Gopala Krishna Rao and has no relation with the Patwari. Further, the assignment was made on the basis of the recommendation from the Assignment Committee following an enquiry and the Patwari merely tasked with implementing the Committee's order. The respondent stressed that she had no other land and had made significant investments in cultivating and improving the assigned land. The respondent also relied heavily on the earlier decision of this Court in W.P.No.6212 of 1979 delivered on 16.01.1986, wherein it has been held that "even if assignment was made to minors originally, if they become majors subsequently, 19 years after assignment, the assignment cannot be cancelled."

6. By order dated 02.09.1998 in Proceedings No.D4/2654/1988 impugned in the writ petition, the District Revenue Officer rejected the respondent's explanation, holding that initial assignment was not proper and illegal, as the respondent was a minor and allegedly related to the Patwari. In the said order, it was observed that the Patwari misused his authority and obtained the assignment in favour of his relative, and thus, the initial assignment was illegal. Challenging these findings and the order of cancellation, the respondent/writ petitioner approached this Court in W.P.No.24461 of 2011.

7. The learned Single Judge, upon hearing and perusing the record, allowed the Writ Petition holding that the cancellation was not sustainable in law or on facts. The learned Single Judge relied on the order dated 16.01.1986 in W.P.No.6212 of 1979, wherein it was held that even when assignment is made to a minor, once the assignee attains majority, the assignment cannot be cancelled on the ground of original minority. In the present case, the proposal for cancellation was initiated after 37 years, and the respondent had become major and invested in the development and cultivation of the land.

8. The learned Single Judge held that the cancellation was unsustainable, especially in view of the absence of any finding of fraud or misrepresentation attributable to the respondent herself, and the clear delay of 37 years which had created vested rights in her. The learned Single Judge also noted that there was no evidence to show that the respondent was a beneficiary of illegal activity or was a relative of the Patwari. Accordingly, the Writ Petition was allowed and the impugned cancellation proceedings were set aside. It is also noted in the order that the land was taken and handed over to the Telangana State Irrigation and Command Area Development Corporation (TSISC). Since the cancellation of assignment order has been set aside, this Court in W.P.No.24461 of 2011, directed the appellants either to restore possession of the land from TSISC or to pay market value of the said land to the respondent as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, by relying on the judgment of the larger Bench in Land Acquisition Officer-cum-R.D.O., Chevella Division, Hyderabad v. Mekala Pandu and others AIR 2004 AP 250 and that exercise was to be completed within twelve weeks from the date of the order. Aggrieved by the same, the appellants filed the present Writ Appeal.

9. Heard learned Government Pleader for Assignment appearing for the appellants and the learned counsel for the respondent and perused the material available on record.

10. Now the only question that arises for our consideration is:

“Whether the learned Single Judge committed any error in passing the order dated 23.01.2017 in W.P.No.24461 of 2011?”

11. The appellants contended that the order under appeal is contrary to law; therefore, the same is liable to be set aside. They submitted that the learned Single Judge ought to have appreciated that on the date of the alleged assignment in the year 1961, the respondent/writ petitioner was a minor, therefore, the very initial assignment itself was illegal. The appellants further contended that the learned Single Judge ought to have recognized that when the initial assignment itself is illegal, regularising the same amounts to putting a seal

of illegality and encouraging illegal issuance of assignments. The findings arrived at by the learned Single Judge on the strength of the order passed in WP.No.6212 of 1979, to the effect that even if an assignee is a minor, once she has attained majority, it cannot be cancelled, cannot be applied in each and every case. They also claimed that the finding of the learned Single Judge that the power was exercised by the authorities after 37 years cannot be sustained, is not correct, since fraud and illegality cannot be allowed to remain when the same comes to the knowledge of the authorities.

12. On the other hand, the respondent/writ petitioner asserts that she has enjoyed the property for more than half a century, with all revenue and title records reflecting her lawful possession, and has made investments and improvements in good faith. She contends that the eligibility bar of minority is not a disqualification especially after the passage of time and achievement of majority, and further emphasizes that the assignment was the product of a due recommendation by an Assignment Committee, not a single Patwari's act, and there is no evidence of misuse or fraud attributable to her. The respondent relied on the order of this Court in W.P.No.6212 of 1979, which protected the rights of assignees where the main issue was minority at the time of assignment.

13. It is pertinent to note that the learned Single Judge, after considering the facts and circumstances, held that the assignment is validated by continuous possession and enjoyment after attaining majority and hence, the cancellation of the assignment of land, is not sustainable.

14. Admittedly, the assignment in favour of the respondent was granted in the year 1961. It is also not in dispute that the respondent/writ petitioner is in possession of the subject land. The main contention of the appellants is that the respondent was a minor at the time of assignment of land and therefore, the assignment is not valid.

15. In the order passed in W.P.No.6212 of 1979, this Court has observed as follows:

“The petitioners, though at the time when the assignment was made were found to be minors, represented by their father, since they became majors and have been in possession and enjoyment of the land in terms of the grant, the assignment made as early as in 1960 cannot be cancelled at the belated stage.”

16. The order in the above Writ Petition is squarely applicable to the facts of the present case.

17. Moreover, the appellant No.2 initiated proceedings of cancellation of assignment after a lapse of thirty-seven (37) years by invoking Section 166-B of the 1317 Fasli Act, whereas the assignment of the land is governed by the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. Also, the Honâ€™ble Supreme Court, in the case of Joint Collector Ranga Reddy District and Another vs D. Narsing Rao and others (2015) 3 SCC 695, while dealing with Section 166-B of the 137 Fasli Act and the powers to be exercised under the said provision, held that even without a specific limitation period, administrative authorities must exercise discretionary powers within a â€œreasonable periodâ€ to maintain legal certainty and uphold the Rule of Law. The Honâ€™ble Supreme Court quashed actions taken by the Government on land that had remained undisturbed for decades, finding that delayed administrative intervention after a long lapse of time was arbitration and prejudiced the right of landholders. The relevant portion of the said judgment reads as under:

â€œ31. To sum up, delayed exercise of revisional jurisdiction is frowned upon because if actions or transactions were to remain forever open to challenge, it will mean avoidable and endless uncertainty in human affairs, which is not the policy of law. Because, even when there is no period of limitation prescribed for exercise of such powers, the intervening delay, may have led to creation of third-party rights, that cannot be trampled by a belated exercise of a discretionary power especially when no cogent explanation for the delay is in sight. Rule of law it is said must run closely with the rule of life. Even in cases where the orders sought to be revised are fraudulent, the exercise of power must be within a reasonable period of the discovery of fraud. Simply describing an act or transaction to be fraudulent will not extend the time for its correction to infinity; for otherwise the exercise of revisional power would itself be tantamount to a fraud upon the statute that vests such power in an authority.â€

18. Even in the present case, though the respondent was a minor at the time of assignment of the land, by the time the appellant No.2 had initiated proceedings under Section 166-B of the 1317 Fasli Act, the respondent/writ petitioner had attained majority and had been continuing settled possession for decades together. Therefore, applying the principle laid down by the Honâ€™ble Supreme Court in D. Narsing Rao case (supra), the invocation of Section 166-B of the 1317 Fasli Act by appellant No.2, is not only bad but also exercise of such power at such a belated stage is highly undesirable. Therefore, the contentions advanced on behalf of the appellants cannot be sustained in law or on facts.

19. In view of the foregoing discussion, this Court is of the considered opinion that the appellants failed to point out as to how the judgment rendered in W.P.No.6212 of 1979 which was followed by the learned Single Judge while allowing the Writ Petition is not applicable to the present case, wherein this Court held that though the assignment was made in favour of a minor, the same cannot be cancelled after the minor attains majority. As such, there are no grounds made out warranting interference with the well-reasoned order of the learned Single Judge.

20. Accordingly, the writ appeal is dismissed. There shall be no order as to costs.

As a sequel, pending miscellaneous applications, if any, in the appeal, shall stand closed.