IN THE HIGH COURT OF JUDICATURE FOR THE STATE OF TELANGANA
HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No. 17016 OF 2026

21.08.2026

Between:

Kondapuram @ Dasari Kusi Reddy
& others

..... Petitioners

And

State of Telangana,
Rep. by Principal Secretary,
Revenue Department & others

..... Respondents

O R D E R:

This Writ Petition is filed aggrieved by the common order dated 21.05.2026 passed by the 2nd Respondent in Appeal Nos. F2/2152/2025 and F2/2155/2025, exercising appellate powers under Sections 90 and 91 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, whereby the 2nd Respondent allowed the appeals preferred by Respondent No. 5 and set aside two orders that had earlier been passed in favour of Petitioners, namely, the restoration order dated 27.01.2017 passed by the 4th Respondent in Case No. B/2199/2016 under Section 32(1) read with Section 98 of the said Act, and the consequential order dated 24.09.2019 passed by the 3rd Respondent in Proceedings No. L/588/2016 granting Ownership Certificate under Section 38-E of the Act in favour of

the Petitioners in respect of Acs.10-00 guntas out of Ac.10-05 guntas comprised in Sy. No. 414 situated at Bommaraspet Village, Shamirpet Mandal, Medchal-Malkajgiri District.

2. Petitioners state that the subject land in Sy. No. 414 at Bommaraspet Village originally formed part of the protected tenancy holdings of Late Kondapuram @ Dasari Chandraiah @ Chandra Reddy and Late Nomula Laxmaiah @ Laxma Reddy, the ancestors of Petitioners, who were recognised as Protected Tenants under the provisions of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950. It is submitted that the names of the predecessors of the Petitioners were reflected in the Protected Tenancy Registers maintained under the Act in relation to the protected tenancy lands situated in Bommaraspet Village, and further that their names were also shown in the subsequent revenue records, namely, the Khasra Pahani of 1954-55, the Chessala Pahani of 1955-58, and the year-wise Pahani Patrikas, as possessors and Protected Tenants in respect of the said land.

2.1. Petitioners contended as follows:

a. After the demise of the original Protected Tenants, their legal heirs and successors, namely Petitioners, succeeded to the protected tenancy rights under Section 40 of the Act, and that the 4th Respondent, after due enquiry, passed orders in Proceedings No. A/30/2003 dated 14.02.2003 and Proceedings

No. A/122/2003 dated 01.05.2003 recognizing Petitioners as the legal heirs and successors of the original Protected Tenants. Rival parties, aggrieved by the succession proceedings, carried the matter in appeal before the Joint Collector, Ranga Reddy District, in Appeal Proceedings Nos. F2/3226/2004 and F2/3227/2004, which were dismissed by common order dated 21.12.2004, confirming the succession rights of the Petitioners and their predecessors. Civil Revision Petitions Nos. 597, 598, 599 and 600 of 2005, filed before this Court challenging those orders, were dismissed as withdrawn or not pressed by order dated 28.03.2012, rendering the succession proceedings and recognition of protected tenancy rights in favour of Petitioners final and binding.

b. Thereafter. Petitioners initiated proceedings under Section 32(1) read with Section 98 of the Act before the 4th Respondent in Proceedings No. B/2199/2016, seeking restoration of possession of the subject land in Sy. No. 414, and that the 4th Respondent, after enquiry and considering the protected tenancy records and connected proceedings, allowed the proceedings by order dated 27.01.2017 and restored possession to Petitioners. Consequently, Petitioners approached the 3rd Respondent seeking an Ownership Certificate under Section 38-E of the Act in Proceedings No. L/588/2016, and the 3rd Respondent, after considering the material records,

succession proceedings, tenancy records and restoration proceedings, granted the Ownership Certificate in favour of Petitioners by proceedings dated 24.09.2019 in respect of Acs.10-00 out of Acs. 10-05 guntas in Sy. No. 414. Pursuant thereto, the revenue authorities mutated Petitioners' names by issuing Pattadar Pass Books and Title Deeds, and the statutory tenancy and ownership rights of the Petitioners attained finality and continued to subsist for several years. These rights were also reflected in the due diligence reports and records prepared during the Corporate Insolvency Resolution Process concerning Respondent No. 5, and in the Committee of Creditors proceedings before the National Company Law Tribunal at Hyderabad, clearly acknowledging the protected tenancy rights and ownership claims of the Petitioners in Sy. No. 414.

c. The claim of Respondent No. 5 over the land admeasuring Acs. 10-05 guntas in Sy. No. 414 is that it purchased it from one Sri Medi Krishna Reddy through a Sale Deed dated 15.06.2004, registered Document No. 14776 of 2005, with title traced to an alleged unregistered sale said to have been executed by the original pattadar Smt. Ramaraju Laxmi Narsamma, the 7th Respondent, in favour of one Mamidipally Yadagiri Rao, which was subsequently sought to be regularised under Section 50-B of the Act in File No. B2/2412/1971 before the Tahsildar, Medchal, who by

proceedings dated 08.02.1972 purportedly regularised the alienation. The predecessors of Petitioners, as Protected Tenants, questioned the validity of these Section 50-B proceedings on the ground that they were contrary to Sections 38-D and 50-B(3) of the Act, and preferred Appeals before the Joint Collector, Ranga Reddy District, in Proceedings Nos. B4/156 to 160/1992, covering Sy. Nos. 414, 416, 417 and other survey numbers at Bommaraspet Village. The Joint Collector, after a detailed enquiry, passed common orders dated 11.08.1997 holding regularisation proceedings dated 08.02.1972 contrary to Sections 38-D and 50-B(3), and set aside the Tahsildar's proceedings, thereby nullifying the very foundation of Mamidipally Yadagiri Rao's claimed rights.

d. Petitioners contended before the authorities that Respondent No. 5 was only claiming derivative rights through conveyances originating from the invalidated proceedings, whereas Petitioners asserted independent statutory rights as Protected Tenants recognised through succession proceedings under Section 40, the restoration proceedings under Section 32(1) read with Section 98, and the Ownership Certificate proceedings under Section 38-E, which could not be nullified by subsequent private conveyances flowing from proceedings already declared illegal by the competent authority. Respondent No. 5 was fully aware of and had actively participated in the

tenancy, succession, restoration and ownership certificate proceedings prior to filing the Appeals, having been arrayed as Respondent No. 3 in Proceedings No. B/2199/2016, filed detailed counters and contested the matter on merits, and having likewise been arrayed as Respondent No. 3 in Proceedings No. L/588/2016, engaging counsel and filing objections, those proceedings culminating in the order dated 24.09.2019 and consequential mutation entries, e-Pattadar Pass Books and Title Deeds. Apart from contesting before the revenue authorities, the tenancy claims, restoration proceedings and Ownership Certificates in the Petitioners' favour were specifically reflected in the Due Diligence Reports prepared during the CIRP of Respondent No. 5 and in the Committee of Creditors proceedings before the NCLT, Hyderabad, clearly disclosing the subsistence of the protected tenancy rights and orders in Sy. No.414.

e. Notwithstanding this, Respondent No. 5, through its present management, filed the Appeals before the 2nd Respondent making false and self-serving averments of no knowledge of the earlier proceedings, whereas it had actively participated in all of them by filing counters, engaging counsel and fully prosecuting the matter through its authorised representatives. Despite this admitted participation and the

detailed records, pleadings, orders, due diligence reports, CIRP records and Committee of Creditors proceedings clearly reflecting the tenancy claims and Ownership Certificates, the present management falsely claimed it learned of the Section 38-E Certificate and other proceedings only on 08.08.2025, projecting that date to overcome a nearly six-year delay.

f. Petitioners raised a preliminary objection on limitation and maintainability, requesting the 2nd Respondent to first adjudicate limitation under Section 93 of the Act, but the 2nd Respondent, without proper enquiry into condonation of delay, without any petition to condone delay, without recording sufficient cause, and without following mandatory procedure, casually entertained and allowed the Appeals by invoking Section 17 of the Limitation Act, 1963 on mere allegations of fraud without adjudication or proof. On this footing the Petitioners contend the impugned order is without jurisdiction, contrary to the statutory limitation under the Act, and suffers patent illegality, on grounds including: that the impugned common order dated 21.05.2026 is illegal, arbitrary and violative of natural justice; that the 2nd Respondent erred in entertaining Appeals filed after an unexplained delay of nearly six years from the proceedings dated 24.09.2019 without a proper condonation application, rendering the Appeals barred by limitation under Section 93; that Respondent No. 5's

admitted participation in Proceedings No. B/2199/2016 and No. L/588/2016 gave it full knowledge from inception, so limitation running from the new management's alleged discovery of fraud is contrary to settled principles governing corporate bodies; that a change in management, Directors, or approval of a Resolution Plan does not create a fresh cause of action or extend limitation; that invoking Section 17 of the Limitation Act absent legally established fraud was a jurisdictional error, mere allegations not sufficing unless specifically pleaded and strictly proved; that findings of suppression, collusion, interpolation, manipulation and fraud were recorded without trial, issues, evidence or forensic examination, rendering them perverse and unsustainable; that the Section 38-E proceedings attained statutory finality and could not be annulled in collateral appellate proceedings without setting aside the foundational tenancy and succession proceedings; that the impugned order is self-contradictory, repeatedly noting the need for detailed examination and strict scrutiny while refraining from conclusive findings, yet finally allowing the Appeals and cancelling vested Section 38-E rights; that, having found detailed examination necessary, the only permissible course was remand, not final extinguishment of rights; that the Section 40 succession proceedings in A/30/2003 and A/122/2003 had attained finality, confirmed before the Joint Collector and this Court in

C.R.P. Nos. 597-600 of 2005, and could not be indirectly reopened; that vested Section 38-E ownership rights, granted after due enquiry and followed by mutations and title entries, could not be lightly interfered with on suspicion; that findings of interpolation and difference in ink, style and alignment in the Protected Tenancy Register were made without expert or forensic evidence, rendering them speculative; that statutory revenue records carry a presumption of correctness unless disproved through proper evidentiary procedure, that the Authority erred in entering complicated title questions relating to conveyances, mortgages, SARFAESI and CIRP proceedings, beyond the limited scope of Tenancy Act proceedings; that such rival title claims could only be adjudicated by a competent Civil Court; that protected tenancy is a statutory right not presumed extinguished absent strict compliance with the Act; that the Section 32 and 38-E proceedings, independently conducted by competent authorities after due enquiry, could not be brushed aside on subsequent allegations; that the Petitioners' predecessors had consistently asserted protected tenancy rights for decades, recognised in various statutory proceedings, which the impugned order unsettles without proper adjudication; that the order suffers non-consideration of relevant material and consideration of irrelevant factors, evidencing arbitrariness: and that allegations of fraud must be specifically pleaded and

strictly proved, not inferred from assumptions, and absent conclusive findings the 2nd Respondent could not annul the statutory proceedings and vested rights of the Petitioners.

g. It is further stated that Writ Petition was filed during Summer Vacation as the impugned order dated 21.05.2026 falls within matters entertainable by the Vacation Court, and that pursuant to it, the Revenue Authorities, in collusion with Respondent No. 5, were taking active steps to delete the Petitioners' names from revenue records and cancel consequential entries, while Respondent No. 5 was attempting to dispossess the Petitioners without due process, warranting urgent interim protection against irreparable loss. The impugned order, by directing cancellation of Section 38-E Certificates, mutation entries, Pattadar Pass Books and title records, would, if allowed to stand, cause irreparable loss and serious prejudice to the Petitioners' vested rights. The Appeals were listed before the 2nd Respondent on 16.05.2026, when the Petitioners filed written submissions and an interlocutory application seeking dismissal for want of any petition to condone delay, but the matter was neither reserved for orders nor notified for a further date, and the Petitioners learned of the impugned order only when their counsel personally enquired at the office of the 2nd Respondent, conduct which, they submit, demonstrates undue haste and denial of fair opportunity. On

this premise, the Petitioners submit they have no other efficacious remedy except to invoke Article 226, and pray that the impugned common order dated 21.05.2026 be quashed and the orders dated 27.01.2017 and 24.09.2019 be restored.

h. Petitioners relied on several precedents. The Full Bench judgment of the High Court of Andhra Pradesh in ***Sada v. Tahsildar, Utnoor***[1] was cited for the proposition that under Sections 38-E and 38(5) of the Act, as amended by Act 2 of 1979, a protected tenant need not be in physical possession on the notification date to obtain an ownership certificate, that holding protected-tenant status as on the notified date suffices, that restoration of possession is not a condition precedent to Section 38-E(2) proceedings, and that a certificate under Section 38-E(2), once final, is conclusive and cannot be re-agitated in delivery proceedings. The Supreme Court's decision in ***B. Bal Reddy v. Teegala Narayana Reddy***[2] was cited for the proposition that a protected tenant's interest continues so long as the tenancy is not validly terminated; loss of possession alone does not terminate it; legal heirs may claim restoration, and under Sections 32 and 38-D, a landholder must first offer the land to the protected tenant before sale, failing which the sale is without legal effect. ***Thota Sridhar Reddy v Mandala***

[1] 1987 SCC OnLine AP 187
[2] (2016) 15 SCC 102

Ramulamma[3] was cited, under Sections 19, 36, 44 and 46 for the proposition that a protected tenant may recover possession under Sections 36 and 44, that the proviso to Section 44(1) bars a landholder's resumption unless reservation was sought within eighteen months of the Act's commencement per the 1955 Amendment Act, and that absent such reservation and the requisite enquiry and Deputy Collector's certificate, the tenant's rights cannot be defeated. On limitation, ***Ragho Singh v. Mohan Singh***[4], was cited for the proposition that condonation is impermissible without an application under Section 5 of the Limitation Act, and a belated appeal without such Application is liable to dismissal for want of jurisdiction. Reliance was also placed on the judgment in ***Santosh Devi v. Sunder***[5], concerning correction of revenue/mutation entries obtained through a fraudulently and forcibly obtained sale deed; on ***Kosaraju Balaji v. State of Telangana***[6], on the effect of a belated challenge to mutation entries after several years; on Kerala High Court's decision in ***Tripenta Hotels (P) Ltd. v. Employees' State Insurance Corporation***[7], on applicability of the Limitation Act (including Section 5) to statutory forums and the effect of a change of management on limitation, on the

[3] (2021) 16 SCC 1
[4] (2001) 9 SCC 717
[5] 2025 SCC OnLine SC 1808
[6] 2015 SCC OnLine Hyd 604
[7] 2016 SCC OnLine Ker 16942

common order of a learned Single Judge of this Court in C.R.P. Nos. 5279 of 2017 and batch, and Writ Petitions No. 3860 of 2008, 6759 of 2017 and 11157 of 2019, on surrender of a tenancy claim and the consequences of a declared NIL tenancy.

3. Respondent No. 5 filed Counter Affidavit contending the Writ Petition is misconceived and is liable to be dismissed, more particularly as under:

a. Respondent No. 5 is the contesting Respondent and successful Appellant, and by the common order dated 21.05.2026 in Appeal Nos. F2/2152/2025 and F2/2155/2025, the Additional Collector, Medchal-Malkajgiri District, exercising powers under Sections 90 and 91 of the Act, allowed its Appeals and set aside two orders obtained, it contends, by fraud, collusion and suppression, the restoration order dated 27.01.2017 in Case No. B/2199/2016 and Section 38-E Certificate dated 24.09.2019 in Proceedings No. L/588/2016. Petitioners, having lost before a competent authority on a reasoned order, have invoked Article 226 in a disguised appeal on facts. An order obtained by fraud, collusion and suppression is a nullity conferring no right, fraud vitiating even solemn proceedings and rendering such orders *non est* and open to challenge in collateral proceedings, and a litigant securing an order by fraud cannot invoke Article 226 to protect it, that

jurisdiction being exercisable only in aid of the honest and diligent.

b. It is stated, petitioners approached with unclean hands, suppressing material exposing the falsity of their claim: that Sy. No. 414 does not figure in the Final Protected Tenancy Register of their predecessors, recorded as protected tenants only of Sy. Nos. 417/A, 421, 426 and 427; that Section 38-E certificate dated 19.05.1975 (Proceedings No. 196/LRE/75) granted to their predecessor was confined to those survey numbers, excluding Sy. No. 414; that the MOU dated 01.09.1989 under Section 39 recorded Sy. No. 414 as in the possession of Sri Medi Krishna Reddy; that the counter filed by predecessor Sri Kondapuram Chandra Reddy dated 12.10.1993 in Proceedings No. L/5737/1993 admitted Sri Medi Krishna Reddy's entitlement over Sy. No. 414; that the Mandal Revenue Officer's field verification report dated 19.02.2004 confirmed Sri Medi Krishna Reddy's actual, physical and cultivatory possession; and that a subsisting Section 38-E Certificate had already been granted to him over the same land vide Proceedings No. L/3601/2003 dated 05.06.2004, challenged in Appeal No. F2/5111/2004, which remains pending. Such suppression of material facts disentitles the Petitioners to discretionary relief.

c. Petitioners selectively filed documents, omitting several placed record by Respondent No. 5 with its Appeals, including: the NCLT order dated 25.02.2025 approving the Resolution Plan in C.P.(L.B.) No. 43/7/HDB/2018 showing the 2019 Section 38-E order was passed after CIRP admission; the Provisional and Final Protected Tenancy Register extracts, showing Sy. Nos. 414 and 430 were absent from the Provisional Register and interpolated by hand later; the MOU showing the original Protected Tenants' own admission of possession by the vendor of Respondent No. 5; the registered Sale Deed No. 14776/2005 dated 15.06.2004, showing an unbroken chain of registered documents flowing from the Section 38-E Certificate holder; the 1975 Section 38-E Certificate confined to Sy. Nos. 417/A, 421, 426 and 427, showing even the Petitioners' predecessors claimed no rights over Sy. Nos. 414 and 430; the 2004 Section 38-E Certificate over Sy. No. 414 in favour of the vendor of Respondent No. 5; the Registered Memorandum of Deposit of Title Deeds No. 1868 of 2012 dated 27.08.2012 in favour of Bank of Baroda, showing the land was mortgaged as a secured asset by erstwhile promoters; and O.A. No. 164 of 2015 before the DRT, Hyderabad, showing the alleged collusive revival of stale claims to defeat the mortgage rights of lending banks.

d. Sy. No. 414 was never part of the protected-tenancy holding of the Petitioners' predecessors, whose tenancy was

confined to Sy. Nos. 417/A, 421, 426 and 427, and that they themselves executed the MOU recognising Sri Medi Krishna Reddy's right over Sy. No. 414. Respondent No. 5 sets out a detailed chronology: per the 1975 Protected Tenancy Register extract, Kondapuram Chandra Reddy's tenancy is shown only in Sy. Nos. 417/A, 421, 426 and 427. not Sy. No. 414; by Section 38-E Certificate dated 19.05.1975 (Proceedings No. 196/LRE/75), ownership of Ac.30-25 guntas was granted in those survey numbers only, later set aside on appeal and remanded by order dated 27.03.1979 in Appeal No. B4/9678/75, without including Sy. No. 414; by MOU dated 01.09.1989, the Petitioners' predecessors and Sri Medi Krishna Reddy acknowledged his exclusive possession of Sy. No. 414 (Ac.10-05 guntas) and agreed to have this recorded; in 1992, five appeals were filed before the Joint Collector against 1972 Section 50-B certificates in File Nos. B2/2411/71 and B2/2412/71, namely B4/156/92 (Sy. No. 419), B4/157/92 (Sy. No. 417), B4/158/92 (Sy. No. 419), B4/159/92 (Sy. No. 416) and B4/160/92 (Sy. No. 414); in 1993, Medi Krishna Reddy applied for a Section 38-E certificate over Sy. No. 414 (Case No. L/5737/1993); on 12.10.1993, Kondapuram Chandra Reddy and five others admitted his entitlement in their counter; on 27.10.1993, the RDO granted him the certificate on that basis and on a finding that Sy. No. 414 had been declared surplus

and the Section 50-B certificate to Yadagiri Rao was void under Section 38-D; on 11.12.1995, the Joint Collector in Appeal No. B4/4717/94 set aside that RDO order and certificate, holding the land had vested in Government and that verification of tenancy records was lacking; on 11.08.1997, the Joint Collector in Appeal Nos. B4/156-160/1992 set aside the Section 50-B certificates as violative of Section 38-D, holding the protected tenants eligible for Section 38-E certificates; on 01.05.2003, the MRO granted Section 40 succession (Proceedings No. A/122/2003) to the legal representatives, submitted to be purely declaratory of heirship and incapable of enlarging tenancy to include Sy. No. 414; on 12.11.2003, the legal representatives applied for a Section 38-E certificate including Sy. No. 414 (Case No. L/3601/03); on 19.02.2004, the MRO reported Sri Medi Krishna Reddy's actual possession; on 05.06.2004, the RDO in Case No. L/3601/03 granted him the Section 38-E Certificate over Ac.10-05 guntas, rejecting the legal representatives' rival claim for lack of possession and their having foregone rights under the 1989 MOU, a certificate submitted to subsist unset-aside, its challenge in Appeal No. F2/5111/2004 remaining pending; on 15.06.2004, Sri Medi Krishna Reddy sold the land to Respondent No. 5 by registered sale deed No. 14776/2005; on 01.04.2010, the RDO permitted non-agricultural conversion (Proceedings No. L/4353/2008),

taking the land outside the Tenancy Act's purview, after which Respondent No. 5 constructed buildings and a golf course; on 27.08.2012, Respondent No. 5's erstwhile management mortgaged the property to Bank of Baroda (Document No. 1868 of 2012); in 2015, the Bank consortium initiated O.A. No. 164 of 2015 before the DRT, Hyderabad, with parallel SARFAESI action; in 2016, thirteen years after succession, the legal representatives filed Section 38-E applications (Case Nos. L/588/2016 for Sy. No. 414 and L/587/2016 for Sy. No. 430) and restoration applications (Case Nos. B/2199/2016 and B/2198/2016), allegedly in collusion with the erstwhile management to defeat the Banks' recovery/SARFAESI action; on 27.01.2017, the Tahsildar ordered restoration in Case No. B/2199/2016 without verifying foundational records or possession, wrongly assuming Appeal No. F2/5111/2004 was disposed of when it remained pending, a subordinate authority in any event lacking competence to override the RDO's subsisting certificate, the erstwhile management deliberately not appealing this order; on 29.11.2017, a paper Panchanama recorded handover but was never acted upon, Respondent No. 5 continuing in physical possession as shown by satellite imagery; on 09.04.2019, the NCLT admitted Respondent No. 5 into CIRP (C.P.(I.B.) No. 43/7/HDB/2018), commencing the Section 14 moratorium and removing the erstwhile Board; on 24.09.2019,

the RDO, Keesara Division, granted the Section 38-E certificate (Proceedings No. L/588/2016) founded entirely on the 2017 restoration order and passed during the moratorium, the removed erstwhile management allegedly colluding to withhold it from the Resolution Professional; on 25.02.2025, the NCL approved the Resolution Plan and a new Board took over; on 08.08.2025, the new management discovered the 24.09.2019 order and underlying proceedings during post-CIRP scrutiny; on 26.09.2025, it filed Appeal No. F2/2152/2025 against the 2019 order; fraud was conclusively ascertained per counsel's legal opinion dated 29.09.2025; on 28.10.2025, it filed Appeal No. F2/2155/2025 against the 2017 restoration order, invoking Section 17 of the Limitation Act; and on 21.05.2026, the impugned common order allowed both Appeals, setting aside the 2017 and 2019 orders as to Acs.10-00 guntas in Sy. No. 414, with cancellation of consequential mutations, e-Pattadar Pass Books and Title Deeds.

e. Respondent No. 5, incorporated on 15.01.2001 originally as M/s Leo Meridian Resorts and Developers Private Limited (since renamed), for developing an integrated leisure, hospitality, recreation and sports destination, is the absolute owner and lawful possessor of Ac.10-05 guntas in Sy. No. 414, Bommarasipet Village, Shamirpet Mandal, developed for over two decades as part of its golf course and resort project, with

compound wall, internal roads, electricity, landscaping and security, paying property tax, the Petitioners never having actually possessed the property nor implemented their restoration order on the ground. Current photographs and Bhuvan satellite imagery establish the land as a developed golf course with permanent structures and no agricultural activity attracting the Tenancy Act.

f. As to title: Smt. R. Laxmi Narsamma, the proforma Respondent, was originally pattadar; the Final Protected Tenancy Register recorded Sri Dasari @ Kondapuram Chandra Reddy as protected tenant only over Acs.30-25 guntas in Sy. Nos. 417/A, 421, 426 and 427, not Sy. No. 414, consistent with his Section 38-E certificate dated 19.05.1975 (Proceedings No. 196/LRE/75), later challenged and merely remanded for fresh enquiry by order dated 27.03.1979 without extending to Sy. Nos. 414 and 430. Sri Dasari Narsimha Reddy possessed Sy. Nos. 416-418 and 427, while Sri Medi Krishna Reddy, vendor of Respondent No. 5, possessed Sy. No. 414, acknowledged in the MOU dated 01.09.1989 under Section 39 among the named parties. Pursuant thereto, the RDO by order dated 27.10.1993 in Case No. L/5737/1993 granted Medi Krishna Reddy a Section 38-E certificate, set aside on appeal by order dated 11.12.1995 in Appeal No. B4/4717/1994 (itself the subject of C.R.P. No. 99 of 1996, dismissed 08.06.1999), but superseded

by the fresh independent grant dated 05.06.2004 in Case No. L/3601/2003 following the 19.02.2004 verification report, expressly rejecting the legal representatives' claim, a certificate submitted to subsist, unassailed save for the pending Appeal No. F2/5111/2004. Pursuant to that certificate, Sri Medi Krishna Reddy executed the registered sale deed dated 15.06.2004 (Document No. 14776/2005) favour of Respondent No. 5, which has since remained in continuous, lawful possession, later converting the land to non-agricultural use vide Proceedings No. L/4353/2008 dated 01.04.2010, taking it outside the Tenancy Act.

g. As to the mortgage and recovery proceedings: during the erstwhile management of Sri Gokaraju Srinivasa Chakravarthi Raju, the property was mortgaged to Bank of Baroda by registered deed dated 27.08.2012 (Document No. 1868 of 2012) on the strength of the Company's title via the Section 38-E Certificate and sale deed; subsequent default led to proceedings under the RDB Act, 1993 and SARFAESI Act, 2002, including O.A. No. 164 of 2015 before the DRT, Hyderabad.

h. As to the alleged fraud and collusion: it is contended that Sri Gokaraju Srinivasa Chakravarthi Raju, then Managing Director, acting to defraud creditors and frustrate recovery proceedings, colluded with the legal heirs of the

Protected Tenants to fabricate false tenancy claims despite knowledge of the subsisting 2004 certificate in favour of Sri Medi Krishna Reddy, resulting in the 2016 applications (Case Nos. L/588/2016 and B/2199/2016) founded solely on the 2003 Succession Certificate, thirteen years old and purely declaratory, the long unexplained delay itself exposing fraud, aimed at defeating the banks' mortgage rights and SARFAESI enforcement. Material records, including the 1989 MOU, the 2004 MRO report and the 2004 Section 38-E Certificate, were allegedly suppressed, the erstwhile Director and Petitioners collusively misleading the RDO and Tahsildar into entertaining barred, jurisdiction-less proceedings. The Tahsildar mechanically passed the 2017 restoration order without enquiry or field inspection, disregarding the 2010 non-agricultural conversion and erroneously treating Appeal No. F2/5111/2004 as disposed of when it remains pending, lacking competence over the subsisting certificate. This order was never appealed by the erstwhile management, an inaction alleged to be part of the fraudulent design. The alleged fraud by Sri Chakravarthi Raju has resulted in pending CBI and Enforcement Directorate cases against him.

i. As to passing of orders during the insolvency moratorium: consequent on the erstwhile management's mismanagement, Union Bank of India (then Andhra Bank) filed

a Section 7 IBC petition (C.P.(I.B.) No. 43/7/HDB/2018), admitted 09.04.2019, commencing CIRP and appointing an IRP. During this moratorium, the RDO passed the order dated 24.09.2019 founded on the 2017 restoration order, submitted to be an abuse of process furthering the fraudulent scheme, obstructing secured creditors' claims and defeating the Section 14 moratorium.

j. As to discovery by the new management: the Resolution Plan of M/s Jalav Entertainment Private Limited Consortium was approved on 25.02.2025 and new Board took over on a clean slate, discovering the 2019 order and underlying 2017 order on 08.08.2025 during record verification, and realising both were procured by fraud. The Company filed Appeal No. F2/2152/2025 on 26.09.2025, obtained legal opinion confirming fraud on 29.09.2025, and filed Appeal No. F2/2155/2025 on 28.10.2025 invoking Section 17 of the Limitation Act. The Appellate Authority, having heard both sides on the preliminary limitation question, held by common order dated 21.05.2026 that the Appeals were not time-barred, limitation running under Section 17 read with Section 93 of the Tenancy Act from discovery of fraud, and, on merits, recorded reasoned findings that Sy. No. 414 was never the Petitioners' predecessors' protected-tenancy holding and that the impugned orders were obtained by fraud and suppression, setting both

aside and directing correction of revenue entries, a complete, self-contained order calling for no interference. Allegations of bias against Respondent No. 2 are denied as an afterthought, the matter having been transferred to him at the Petitioners' own instance after they doubted the impartiality of the earlier Appellate Authority,

k. Respondent No. 5 denies the impugned order is illegal, arbitrary or violative of Articles 14 and 300-A, submitting the Petitioners never held any subsisting right in Sy. No. 414 and that it is Respondent No. 5's rights that the Petitioners seek to defeat. A single writ petition is said to be not maintainable as the common order disposes of two separate, independent Appeals, F2/2152/2025 against the 2019 order and F2/2155/2025 against the 2017 order, each a distinct cause of action requiring separate challenge. Paragraph 4 of the writ affidavit is said to misdescribe the land as Survey No. 430 (the case concerns Sy. No. 414), evidencing careless drafting, and reliance on the 1954-55 Khasra Pahani and 1955-58 Chessala Pahani is said to be misconceived, those entries being interpolated. The mutation, Pattadar Pass Books and Title Deeds, being consequential to a certificate obtained by fraud, were rightly cancelled; no due-diligence or insolvency record is said to have validated the Petitioners' ownership, at most noting it as a disputed encumbrance outside the clear marketable

asset base. Section 93 of the Tenancy Act is said to confer no power to reject an appeal on an interlocutory application, limitation being decidable only while hearing the appeal, as was done here.

1. Reliance is placed on ***Alchemist Asset Reconstruction Co. v. Hotel Gaudavan (P) Ltd.***[8] and ***Innoventive Industries Ltd. v. ICICI Bank***[9], for the proposition that proceedings conducted during the moratorium, with management displaced, were liable to be treated as *non est,* given the overriding effect of the IBC. The interim protection sought, it is submitted, would merely perpetuate the fraud and prolong the cloud on Respondent No. 5's lawful title, the balance of convenience favouring it.

4. Petitioners filed a Reply denying the Counter Affidavit's allegations as false, more particularly as under:

a. The Appellate Authority exceeded the scope of the Appeals by entering into questions of title, validity of conveyances and fraud, matters for competent forums. The Tenancy Act, 1950, being beneficial social welfare legislation protecting cultivating tenants and securing agrarian justice, requires liberal, purposive interpretation, relying on ***Edukanti Kistamma v. S. Venkatareddy***[10], as approved in ***Thota***

[8] (2018) 16 SCC 94
[9] (2018) 1 SCC 407
[10] (2010) 1 SCC 756

Sridhar Reddy v. Mandala Ramulamma[11] for the proposition that the Act must be construed to advance social and economic justice without depriving protected tenants of valuable rights.

b. While the MOU dated 01.09.1989 and the subsequent Medi Krishna Reddy proceedings are admitted to have been relied upon by Respondent No. 5, it is denied that they extinguished, surrendered or divested the Petitioners' predecessors' protected tenancy rights over Sy. No. 414. Protected tenancy rights, being statutory, cannot be extinguished except as prescribed under the Act, and Respondent No. 5 has neither pleaded nor established any valid surrender or termination. Petitioners claim through recognised protected tenants whose heirs were recognised under Section 40 and whose rights were affirmed by the 2017 restoration order and 2019 Certificate, and Respondent No. 5 cannot defeat these by disputed private documents, Sri Medi Krishna Reddy having no tenancy-record entitlement in any event.

c. It is denied that Sy. No. 414 never formed part of the predecessors' protected tenancy holding; the certified Final Protected Tenancy Register is said to reflect it, such statutory records carrying a presumption of correctness unless set aside by competent authority. The Chessala Pahani and other Pahanies are relied upon: the 1955-58 Pahani records Ac.10-07

[11] (2021) 16 SCC 1

guntas in Sy. No. 414 with Venugopal Rao, Sudarshan Rao and Tulisamma as Pattadar and Kondapuram Chandraiah and Nomula Laxmaiah as possessors, cultivation recorded as "Kavuldar"; the 1972-73 Pahani records the same extent with R. Laxmi Narsamma as Pattadar and the same two as Protected Tenant possessors, cultivation recorded as "Kavulu", corroborating their protected tenancy. Succession Proceedings No. A/122/2003 dated 01.05.2003 recognised the Petitioners as legal heirs of the Protected Tenants including for Sy. No. 414, attaining finality after dismissal of Appeals F2/3226/2004 and F2/3227/2004 (order dated 21.12.2004) and of C.R.P. Nos. 597-600 of 2005 (order dated 28.03.2012), such that Respondent No. 5 cannot now dispute the Petitioners' status or rights. Protected tenancy rights may be surrendered only as prescribed under the Act; Section 38-D mandates the tenant's statutory right of purchase before any transfer, and mere execution of a sale deed or private arrangement does not amount to valid surrender absent strict compliance, which Respondent No. 5 has neither pleaded nor established. Respondent No. 5 is also said to approbate and reprobate by claiming title through Medi Krishna Reddy's Section 38-E certificate while denying Sy. No. 414 forms part of the tenancy records, notwithstanding that its own relied-upon MOU records

the Petitioners' predecessors as Protected Tenants in the Final Register.

d. As to the alleged 05.06.2004 certificate in favour of Sri Medi Krishna Reddy and pending Appeal No. F2/5111/2004, it is submitted that rival proceedings do not extinguish the Petitioners' independent statutory rights flowing from the Register, the Section 40 succession, and the 2017 and 2019 orders, and that the pendency of Appeal No. F2/5111/2004 itself shows Medi Krishna Reddy's claims have not attained finality.

e. The allegations of fraud, collusion, conspiracy, suppression and fabrication are denied as false, the Petitioners' rights being founded on statutory records and proceedings that cannot be branded fraudulent merely because adverse to Respondent No. 5, no competent authority having previously so found. The present physical condition of the land (golf course, buildings, etc.) is irrelevant to the statutory tenancy question, which turns on whether the predecessors were protected tenants; once such rights culminated in the 2017 and 2019 orders, they could not be defeated by a subsequent change in land use effected by Respondent No. 5 or its predecessors. A mortgagee, secured creditor or resolution applicant acquires no better title than the mortgagor/corporate debtor possessed, and the mortgage, recovery proceedings or inclusion in insolvency

proceedings does not extinguish the Protected Tenants' statutory rights.

f. As to the claimed 2025 discovery of fraud, it is submitted that Respondent No. 5 remains the same corporate entity despite the change in management, and its knowledge cannot be disowned; it had, through its officers, full knowledge of the 2017 and 2019 proceedings which it itself contested, as shown by the Committee of Creditors proceedings (73rd, 74th and 75th meetings) and due diligence records establishing knowledge well before Plan approval. Having acquired assets on an "as is where is", "as is what is", "whatever there is" and "without recourse" basis, Respondent No. 5 is bound by existing claims and encumbrances, and a change in management does not create a new entity or greater rights, nor permit reopening of proceedings long final. The Appeals, filed after nearly eight and six years respectively, and absent any finding of fraud by a competent authority, could not invoke Section 17 of the Limitation Act.

g. It is further submitted that reliance on the CIRP and Section 14 of the IBC is misconceived, the Tenancy Act proceedings relating to pre-existing rights and not being recovery proceedings against the corporate debtor, the Protected Tenants' rights having accrued long before CIRP commenced,

such that Section 38-E Certificate dated 24.09.2019 was merely recognition of already-vested rights unaffected by the moratorium. The impugned order is said to be illegal and unsustainable, the Appellate Authority having entertained long-delayed Appeals without legal basis for invoking Section 17, and without first deciding limitation, having entered disputed questions of fact, title and fraud never adjudicated by any competent forum, based on assumptions rather than evidence, exceeding its jurisdiction. It is denied that the Petitioners were never in possession: pursuant to the 2017 restoration order, possession was delivered through official proceedings never challenged for years, so Respondent No. 5 cannot now claim continuous possession or non-implementation. It is further submitted that Respondent No. 5, being neither a party to the original tenancy proceedings nor a person directly aggrieved, had disputed maintainability to appeal, an objection the Appellate Authority failed to examine before entertaining the Appeals.

5. Heard Sri E. Ajay Reddy, learned Senior Counsel assisted by Ms. E. Anisha Reddy, learned counsel for petitioners, learned Government Pleader for Revenue on behalf of Respondents 1 to 4 and Sri S. Niranjan Reddy, learned Senior Counsel assisted by Ms. Rubaina S. Khatoon, learned counsel for Respondent No.5.

6. Before proceeding further, it is necessary to clarify two matters of nomenclature that recur throughout the record. First, the impugned restoration order dated 27.01.2017 and the impugned Section 38-E Ownership Certificate dated 24.09.2019 relate only to Acs. 10-00 guntas out of the total extent of Acs. 10-05 guntas comprised in Sy. No. 414; wherever the record refers to the entire extent of Acs.10-05 guntas, including in the Memorandum of Understanding dated 01.09.1989, Section 38-E certificate dated 05.06.2004 in favour of Sri Medi Krishna Reddy, and the possession and title asserted by Respondent No. 5, such reference is to the larger survey extent within which the impugned Acs.10-00 guntas is comprised, and this distinction is maintained throughout this order. For convenience, the said extent of Acs. 10-00 guntas out of Acs.10-05 guntas in Sy. No. 414, being the extent actually covered by the impugned proceedings and forming the subject matter of the present writ petition, is hereinafter referred to as "the subject land", while the expression "Sy. No. 414" or "the entire survey extent" is used where the discussion concerns the larger extent of Ac.10-05 guntas as such. Secondly, the record discloses three distinct stages of proceedings under Section 38-E of the Act concerning the lands in question, namely, the Section 38-E certificate dated 19.05.1975 granted to Petitioners' predecessor Sri Kondapuram Chandra Reddy in respect of Sy. Nos. 417/A, 421, 426 and 427,

hereinafter referred to as "the 1975 certificate"; Section 38-E certificate dated 05.06.2004 granted to Sri Medi Krishna Reddy in respect of Sy. No. 414, hereinafter referred to as "the 2004 certificate"; and the impugned Section 38-E certificate dated 24.09.2019 granted to the Petitioners in respect of the subject land, hereinafter referred to as "the 2019 certificate". These three certificates are referred to distinctly in this order and are not to be conflated with one another.

7. The controversy in the present Writ Petition essentially turns upon two distinct but interlinked questions, namely, whether the Appeals preferred by Respondent No. 5 before the 2nd Respondent, being Appeal Nos. F2/2152/2025 and F2/2155/2025, were maintainable in point of limitation, and, if so, whether the findings recorded by the 2nd Respondent on merits warrant interference in the exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. It is necessary, at the outset, to be clear about the nature of the exercise upon which this Court is engaged. This Court, while exercising jurisdiction under Article 226 over an order passed by a statutory Appellate Authority under the Tenancy Act, does not sit as a further court of appeal over disputed questions of fact, and it is not for this Court to substitute its own appreciation of the documentary record for that of the 2nd Respondent. The task of this Court is confined to

examining whether the findings of the 2nd Respondent are vitiated by lack of jurisdiction, violation of the principles of natural justice, error apparent on the face of the record, or perversity, in the sense of being findings that no reasonable authority, acting on the material before it, could have arrived at. The discussion that follows is undertaken within this limited framework, and any reference in the succeeding paragraphs to the documentary material is to be understood as an examination of whether that material was capable of sustaining the findings of the 2nd Respondent, and not as an independent adjudication by this Court of the underlying factual controversy.

8. On the question of limitation, it is, no doubt, correct, as urged on behalf of Petitioners, that the Appeals came to be filed before the 2nd Respondent long after the orders impugned therein, namely nearly six years after 2019 certificate and nearly eight years after the restoration order dated 27.01.2017. However, this Court is unable to accept the contention that the invocation of Section 17 of the Limitation Act, 1963 by the 2nd Respondent was without basis or was otherwise perverse. It is well-settled that where an authority accepts, upon the material before it, that an order or proceeding was procured by fraud or suppression of material facts, limitation for challenging such order runs not from the date of the order but from the date of discovery of the fraud. The 2nd

Respondent, in the present case, had before it a documentary chronology which included the following circumstances: that Respondent No. 5 traces its title to the subject land through a registered sale deed dated 15.06.2004, bearing Document No. 14776/2005, executed by Sri Medi Krishna Reddy, who himself held the 2004 certificate, which, on the material on record, has never been set aside and continues to subsist, the challenge thereto in Appeal No. F2/5111/2004 remaining pending even as on date; that the 1975 certificate obtained by the Petitioners' own predecessor Sri Kondapuram Chandra Reddy was confined to Sy. Nos. 417/A, 421, 426 and 427 and did not extend to Sy. No. 414; that the Memorandum of Understanding dated 01.09.1989, to which Petitioners' predecessors were signatories, records the possession of Sri Medi Krishna Reddy over Sy. No. 414 and the agreement of the signatories to approach the revenue authorities accordingly; that in Case No. L/5737/1993, the predecessor of Petitioners, Sri Kondapuram Chandra Reddy, filed a counter dated 12.10.1993 admitting the entitlement of Sri Medi Krishna Reddy over Sy. No. 414; and that the field verification report of the Mandal Revenue Officer dated 19.02.2004 recorded Sri Medi Krishna Reddy's actual, physical and cultivatory possession of the land. Having regard to this body of contemporaneous statutory and documentary material, and the explanations offered by the Petitioners in response

thereto, this Court is unable to hold that the 2nd Respondent's conclusion, that the restoration order dated 27.01.2017 and 2019 certificate were procured without reference to this material and hence by suppression, is perverse or without foundation. Whether, on a full and independent re-appreciation of the evidence, a different view was also possible is not the question that arises for consideration in these proceedings; what matters is that the view taken by the 2nd Respondent was reasonably open on the material before it.

9. This Court is also unable to accept the submission that the knowledge of the erstwhile management of Respondent No. 5, which, admittedly, contested the proceedings in Case Nos. B/2199/2016 and L/588/2016, must, in law, be imputed to the Company so as to render perverse the 2nd Respondent's finding on limitation. The material before the 2nd Respondent indicated that it was the very erstwhile Managing Director of Respondent No. 5 who was alleged to have acted in collusion with the Petitioners to bring about the restoration order dated 27.01.2017 and the 2019 certificate, at a time when the Company was under financial distress and exposed to recovery action by its secured creditors, and that the said orders were, on the finding of the 2nd Respondent, deliberately not put to challenge by that very management. The ordinary rule of attribution of a company's knowledge to the company itself is

not an inflexible one, and it does not, without more, operate to shield a fraud practised upon a company by its own directing mind, particularly where that fraud is directed against the company itself and the company, through a subsequently and independently constituted management, is the party seeking to undo its consequences. Once the corporate debtor was placed under the Corporate Insolvency Resolution Process with effect from 09.04.2019 and its Board was superseded, and once a new management assumed control only upon approval of the Resolution Plan on 25.02.2025, it was reasonably open to the 2nd Respondent to treat the discovery of the impugned orders by that new management on 08.08.2025, followed by the filing of the Appeals on 26.09.2025 and 28.10.2025, as a genuine discovery within the meaning of Section 17 of the Limitation Act, 1963. This Court accordingly, finds no error, still less any perversity, in the approach of the 2nd Respondent in taking up the question of limitation as a preliminary issue, hearing the parties thereon, and holding, upon a consideration of the material, that the Appeals were not barred by limitation.

10. Turning to the merits, the primary grievance of the Petitioners is that the 2nd Respondent, while purporting to decide only the question of limitation, in fact travelled into disputed questions of title, the validity of competing conveyances, and allegations of fraud, without a full-fledged

trial, without framing issues, and without recording oral or forensic evidence, and that such a course was impermissible within the confines of an appeal under Sections 90 and 91 of the Tenancy Act. This Court is unable to accept this submission in the facts of the present case. The findings recorded by the 2nd Respondent are not shown to rest upon any oral evidence requiring cross-examination or upon any disputed question that could only be resolved by a civil court; rather, they rest upon a comparison and appreciation of the statutory and documentary record itself, namely the Protected Tenancy Register, the 1975 certificate, the 2004 certificate, the Memorandum of Understanding dated 01.09.1989, the counter dated 12.10.1993 filed by Petitioners' own predecessor, and the field verification report dated 19.02.2004, all of which were placed before the 2nd Respondent by the contesting parties. An Appellate Authority exercising statutory appellate jurisdiction under the Tenancy Act is not denuded of the power to examine such documentary material and to draw conclusions therefrom merely because the resulting finding touches upon the question of fraud; what the law requires is that fraud be specifically pleaded and be capable of being sustained upon the material on record, and this Court does not find, on a reading of the record placed before it, that the finding of fraud recorded by the 2nd Respondent was a bald or unsupported one. The finding of the 2nd Respondent

concerning suppression and fraud cannot, in the view of this Court, be characterised as perverse or unsupported by the material relied upon before it, the Petitioners not having, either before the 2nd Respondent or in the reply affidavit filed before this Court, directly met the specific documents relied upon by Respondent No. 5, namely the Memorandum of Understanding dated 01.09.1989, the counter dated 12.10.1993 admitting Sri Medi Krishna Reddy's entitlement, and the subsisting 2004 certificate in his favour, choosing instead to reiterate the existence of the succession proceedings and the entries in the Protected Tenancy Register. This Court clarifies that it is not, by the foregoing observations, rendering any independent or absolute finding that the Petitioners or their predecessors in fact committed fraud; it is only holding that the finding to that effect recorded by the 2nd Respondent, being a finding reasonably open on the material before it, does not call for interference in writ jurisdiction.

11. As regards the Memorandum of Understanding dated 01.09.1989, this Court clarifies that the said document is not treated, either by the 2nd Respondent or by this Court, as an instrument that by itself and automatically extinguished any statutory protected tenancy that may otherwise have existed; protected tenancy rights, being creatures of statute, can only be surrendered, terminated or extinguished in the manner

provided under the Tenancy Act, and a private memorandum cannot, by itself, achieve that result. The Memorandum of Understanding dated 01.09.1989 has been treated, both by the 2nd Respondent and by this Court, as a significant contemporaneous circumstance bearing upon the possession and the conduct of the parties, material to the question of whether the foundational record supports the Petitioners' claim that Sy. No. 414 formed part of the protected tenancy holding of their predecessors, rather than as an independent instrument of extinguishment.

12. As regards the contention that the succession proceedings under Section 40 of the Act, culminating in Proceedings Nos. A/30/2003 and A/122/2003 and confirmed in appeal and in the Civil Revision Petitions before this Court, had attained finality and could not be reopened, this Court notes that a certificate of succession under Section 40 is, by its very nature and as fairly acknowledged in the counter affidavit of Respondent No. 5, a document that is declaratory of heirship alone; it identifies the legal heirs of a deceased protected tenant but does not, by itself, either create or enlarge the extent of land over which the protected tenancy subsisted. This Court clarifies that it does not treat Proceedings No. A/122/2003 as factually irrelevant merely because of this legal characterisation, nor does it doubt that the said proceedings refer to Sy. No. 414 among

the lands succeeded to; rather, the point is a narrower one, namely, that even where succession proceedings refer to a particular survey number, the legal effect of such proceedings is confined to identifying the persons who succeed to whatever protected tenancy rights actually existed, and such proceedings do not themselves constitute an adjudication, binding on rival claimants, that protected tenancy rights existed over that survey number in the first place. The finality attaching to the succession proceedings of 2003 is, accordingly, confined to the issue actually decided therein, namely the identity of the successors, and does not extend to, or foreclose, examination in subsequent proceedings of whether the underlying protected tenancy right over Sy. No. 414 existed at all, a question which, on the material before the 2nd Respondent, appears to have been consistently answered in the negative in the contemporaneous statutory record commencing from the year 1975 itself. The finality of the succession proceedings, in these ircumstances, cannot be read as having conclusively fastened protected tenancy upon Sy. No. 414, and the 2nd Respondent cannot be said to have impermissibly reopened a settled question by examining this distinct and anterior aspect.

13. As regards the objection that the restoration order dated 27.01.2017 and the 2019 certificate had attained finality for want of challenge over several years and that vested rights,

once created and followed by mutation, Pattadar Pass Books and Title Deeds, could not be lightly disturbed, this Court is of the view that such finality and the presumption of correctness ordinarily attaching to revenue entries were, on the material before the 2nd Respondent, capable of yielding to a finding that the foundation of those entries was the product of fraud or suppression practised upon the authorities that passed them. A party cannot found a claim of vested right upon an order that is found, upon a fair opportunity of hearing, to be vitiated by fraud, the settled position being that fraud vitiates even the most solemn of proceedings and that an order procured by fraud confers no right capable of protection, regardless of the length of time for which it may have gone unchallenged, always provided that the delay in unearthing the fraud is itself satisfactorily explained, a requirement this Court finds, for the reasons already recorded, to have been reasonably found by the 2nd Respondent to have been satisfied in the present case.

14. This Court also considers it necessary to clarify the precise legal significance attributed to the subsistence of the 2004 certificate. The subsistence of 2004 certificate is not, by itself, treated by this Court as conclusively determining the validity or invalidity of the 2019 certificate; the two certificates were issued upon different applications, at different points in time, and neither automatically nullifies the other by its mere

existence. The relevance of the 2004 certificate, as accepted by the 2nd Respondent and as this Court finds it was reasonably open to the 2nd Respondent to accept, lies in the fact that it demonstrates that the question of entitlement over Sy. No. 414 had already been the subject of statutory adjudication in favour of a rival claimant, upon a record that included the Petitioners' predecessor's own admission dated 12.10.1993 and the field verification report dated 19.02.2004, and that the subsequent proceedings culminating in the 2019 certificate did not satisfactorily address or displace that earlier statutory record. It is in this sense, and not as an automatic or mechanical consequence of the mere subsistence of the 2004 certificate, that the reliance placed upon it by the 2nd Respondent is found by this Court not to be perverse.

15. This Court further clarifies that title chain relied upon by Respondent No. 5, tracing through Sri Medi Krishna Reddy and the subsequent registered sale deed and other transactions, and the question of whether Petitioners' predecessors held protected tenancy rights over Sy. No. 414, are analytically distinct questions, and this Court has not proceeded on the footing that the existence of a title chain in favour of Respondent No. 5 automatically negatives any protected tenancy that may otherwise have existed. The title documents, possession records and the 2004 certificate relied

upon by Respondent No. 5 have been treated, both by the 2nd Respondent and by this Court, as material circumstances properly considered by the 2nd Respondent while examining whether the Petitioners' claim of continuing protected tenancy over Sy. No. 414 was supported by the foundational tenancy record, and not as an independent or self-executing answer to that question.

16. This Court has also considered the batch of precedents cited on behalf of Petitioners. The decision of the Full Bench in ***Sada v. Tahsildar, Utnoor*** correctly lays down that a protected tenant need not be in physical possession on the notified date for grant of an ownership certificate under Section 38-E and that such a certificate, once final, is conclusive evidence not liable to be re-agitated in delivery proceedings; that proposition, however, pre-supposes that the claimant held the status of a protected tenant in respect of the very survey number in question, which is precisely the threshold matter on which this Court has found no perversity in the adverse finding of the 2nd Respondent, and the decision accordingly furnishes no assistance to Petitioners on the facts of the present case. Similarly, the decision in ***B. Bal Reddy v. Teegala Narayana Reddy***[12], correctly holds that a protected tenancy continues to be operative until validly terminated, that

[12] (2016) 15 SCC 102

mere loss of possession does not terminate it, and that a sale effected without following the procedure under Section 38-D is without legal effect; this proposition, too, operates only where a protected tenancy is shown to have existed over the land in question, and does not assist a party whose claim to such status over the specific survey number has been found by the 2nd Respondent, without perversity, to be unsupported. The decision in ***Thota Sridhar Reddy v. Mandala Ramulamma***, besides being relied upon for the principle of beneficial construction already noticed, was also cited for the proposition that a landholder's right of resumption is subject to a complete embargo under the proviso to Section 44(1) of the Act in the absence of a reservation sought within eighteen months of the commencement of the Act; that decision, however, concerned a landholder's attempt at resumption against an admitted protected tenant, a fact situation materially different from the present controversy, which turns not upon resumption but upon whether the Petitioners' predecessors ever held protected tenancy status over Sy. No. 414 in the first place, and the ratio of that decision does not, therefore, advance the case of the Petitioners here. As regards ***Ragho Singh v. Mohan Singh***[13], cited for the proposition that condonation of delay is impermissible without a formal application under Section 5 of

[13] (2001) 9 SCC 717

the Limitation Act, this Court finds that the said decision proceeded upon Section 5 of the Limitation Act simpliciter, whereas the 2nd Respondent in the present case invoked Section 17 of the Limitation Act, a distinct provision under which limitation itself begins to run only from the date of discovery of fraud, so that no separate application for condonation of delay under Section 5 was called for once the 2nd Respondent accepted, upon the material placed before it, that time had not commenced running until the discovery of the fraud on 08.08.2025; the decision in *Ragho Singh,* resting as it does on a wholly different statutory provision, is accordingly distinguishable and of no avail to the Petitioners. The decisions in ***Santosh Devi v. Sunder*** and ***Kosaraju Balaji v. State of Telangana*** cited in the context of correction of sale deeds and mutation entries and the effect of belated challenges thereto, turn upon their own individual facts and do not lay down any proposition that would preclude the correction, upon final adjudication, of a mutation or certificate found by the competent authority to have been procured by fraud, and if anything, these decisions are consistent with, rather than opposed to, the power of a competent authority to correct entries shown to be tainted. The decision in ***Tripenta Hotels (P) Ltd. v. Employees' State Insurance Corporation*** cited on the applicability of the Limitation Act to proceedings before a

statutory forum and on the relevance of a change of management to the running of limitation, is, in this Court's view, consistent with and supportive of the approach adopted by the 2nd Respondent in the present case, rather than being an authority in favour of the Petitioners, since it recognizes that a change of management may bear upon the question of limitation, which is the very basis upon which the 2nd Respondent proceeded. Lastly, the common order relied upon in Civil Revision Petition Nos. 5279 of 2016 and the connected batch, concerning surrender of a tenancy claim and declaration of NIL tenancy in respect of survey numbers situated at Gachibowli Village, arises out of an entirely distinct set of facts, proceedings and survey numbers unconnected with Bommaraspet Village or Sy. No. 414, and does not bear upon the specific documentary controversy that falls for determination in the present writ petition. None of the precedents cited on behalf of the Petitioners, therefore, detracts from the view this Court has taken above, each being either premised upon a factual foundation not shown to exist in the present case or being, on a closer reading, supportive of the very approach adopted by the 2nd Respondent.

17. As regards the objection to the maintainability of a single writ petition assailing what is, in substance, the disposal of two distinct Appeals bearing different numbers, arising from

two different original orders passed by two different authorities under two different provisions of the Act, this Court, while noting the force of the submission that the two Appeals constituted independent proceedings, does not consider it necessary to rest its decision on this technical ground alone, since the writ petition, in any event, fails on merits for the reasons recorded above.

18. Having regard to the totality of the facts and circumstances, this Court is of the considered view that the impugned common order dated 21.05.2026, passed by the 2nd Respondent in Appeal Nos. F2/2152/2025 and F2/2155/2025, does not suffer from any jurisdictional infirmity, procedural impropriety or perversity warranting interference by this Court in the exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. The 2nd Respondent examined the competing statutory and documentary record concerning the subject land; its findings concerning the limitation of the Appeals, the absence of protected tenancy over the subject land in the foundational record, and the suppression attending the restoration order dated 27.01.2017 and the 2019 certificate, are not shown to be perverse, without jurisdiction, or vitiated by any illegality, and this Court does not find it a fit case to substitute its own view for that of the 2nd Respondent, more particularly when the findings impugned are essentially findings

of fact based upon an appreciation of documentary material that was equally available to, and was addressed by, both sides before the 2nd Respondent.

19. For the foregoing reasons, this Court finds no merit in the writ petition. The conclusions of the 2nd Respondent on the maintainability of the Appeals in point of limitation, on the insufficiency of the foundational record to support the Petitioners' claim of protected tenancy over the subject land, on the limited legal effect of the succession proceedings of 2003, and on the suppression attending the restoration order dated 27.01.2017 and the 2019 certificate, are not shown to be perverse, without jurisdiction, or otherwise vitiated so as to warrant interference under Article 226 of the Constitution of India. The common order dated 21.05.2026 passed by the 2nd Respondent in Appeal Nos. F2/2152/2025 and F2/2155/2025 is accordingly upheld. The Writ Petition is dismissed. No costs.

20. Consequently, the miscellaneous Applications, if any shall stand closed.

NAGESH BHEEMAPAKA, J

21st August 2026

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