HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No. 163 OF 2025

O R D E R:

Indian society has long been founded upon the fundamental value of "truth" (Satya), a concept that transcends mere honesty to embody a profound adherence to righteousness, authenticity, and moral integrity. Satya is one of the cardinal principles of Indian philosophy, enshrined in texts such as the Upanishads, the Bhagavad Gita, and the teachings of great Indian leaders like Mahatma Gandhi. In its essence, truth in Indian society is not just about speaking factual words but about living in harmony with the universal laws of justice, ethics, and moral conduct. It represents the pursuit of the highest reality, aligning one's actions, thoughts, and words with the divine order and moral law. The significance of Satya is seen in the importance it holds in everyday life. From the ancient scriptures to the cultural practices, the commitment to truth has been the cornerstone of Indian ethics. In the modern context, the reverence for Satya remains integral in ensuring the integrity of social, legal, and political systems, reinforcing the importance of truth in upholding justice, human dignity, and collective progress. This case depicts a classic example how

such a cherished basic value by Indian Society for centuries has been put under carpet by petitioner.

2. Coming to the facts of the case, petitioner claims to be the owner and possessor of land admeasuring Acs.9.11 guntas in Survey Nos. 310/1 and 310/2 (old Survey No. 19/140) (T.S.No. 28/1 and 28/2) situated at Kandikal Village, Bandlaguda Mandal, Hyderabad District having acquired the same by succession. It is his case that his father Sri Pattabhiram Reddy acquired the said property by virtue of registered sale deed dated 30.07.1980 from the legal heirs of Sri R. Venkatesham, who was the original pattadar and possessor of subject land. According to petitioner, subject land was recorded as patta land in the revenue records after a survey error was corrected by the District Collector under Section 87 of the Telangana Land Revenue Act, 1317 F, since, originally, it was wrongly recorded as Abadi, however, the same was not implemented in the Town Survey Records, by deleting the classification of land, of Kandikal Village, Ward No. 274, Block-A to F and the same was published *vide* Gazette notification which was issued prior to correction of proceedings and the same is being continued till date in spite of the direction to delete it way back in 1979 and 1982. Subsequently, subject

land was also surveyed and boundaries were fixed by the Assistant Director, Survey and Land Records, Hyderabad District.

While the matter stood thus, on the strength of the letter addressed by the Revenue Divisional Officer to the District Collector stating that petitioner is an encroacher of subject land, respondents are trying to forcibly take possession of the land without following due process mandated in law. Respondent–Tahsildar had also addressed a letter to the Sub-Registrar, Azampura stating that subject land is classified as 'G Abadi' to the extent of 32024 square meters and also included in prohibitory register. There is a dispute between the 3rd parties and the government and various court cases have been filed claiming Survey Nos. 23, 310/1 and 310/2 and orders are in favour of the government in O.S.No. 227 of 1989 dated 04.03.1998. Further, land grabbers are trying to sell the above-mentioned land by creating bogus and fictitious documents and any documents presented by them may be brought to the notice of the undersigned. Petitioner's father's name was included in the names mentioned as land grabbers. Petitioner submits that his father has nothing to do with the suit or any other suit filed by their vendors after selling away the property to them. In

these circumstances, the action of respondents in not entertaining sale deeds executed by petitioner for registration is an outright illegality apart from high-handed interference with his peaceful possession, claims petitioner. Hence, the Writ Petition.

3. Learned Senior Counsel Sri Vedula Venkata Ramana appearing on behalf of Sri K. Dheeraj, learned counsel for petitioner, reiterating the averments made in the affidavit, submits that in the absence of a notification issued under Section 22-A of the Registration Act, no government officer is authorised to address the registration authorities not to entertain and register the sale deeds in respect of particular parcel of land on account of pendency of civil cases. According to learned Senior Counsel, as long as petitioner has title and unless and until the State obtains a decree for declaration of title, it cannot disable the petitioner from enjoying the property in view of Article 300-A of the Constitution.

4. The 6th respondent – Tahsildar, on the contrary, states that R. Srisailam and others filed O.S.No. 227 of 1989 on the file of the IV Additional Judge, City Civil Courts, Hyderabad against government for declaring them as owners in respect of subject land which was dismissed on 04.03.1998

holding that plaintiffs failed to establish their title, possession and enjoyment over the property. Unsuccessfully, A.S.No. 147 of 1998 was filed before the XIII Additional Chief Judge, City Civil Courts, Hyderabad. Review Petition along with I.A.No. 190 of 2002 for condonation of delay was filed and the said Application was also dismissed on 07.07.2003. Aggrieved thereby, R. Srisailam and others preferred C.R.P.No. 4674 of 2003 which was also dismissed on 02.07.2004. Finally, the litigation is pending in Second Appeal No. 1250 of 2010, wherein interim injunction was granted restraining respondents from interfering with lawful possession of petitioners therein over the subject land.

It is stated, New Survey Nos. 310/1 and 310/2 were assigned to subject land in 1981 by issuing supplementary sethwar, wherein 310/1 was recorded as Abadi and 310/2 in the name of R. Venkatesham as per the orders of the then District Collector, Hyderabad, which were issued in accordance with the proceedings of the then Commissioner, Survey Settlement and Land Records, but the same have not been implemented in the revenue records of Kandikal Village and the same is subject matter of consideration in Second Appeal. As per revenue records, last Survey No. is 309/1 to 309/5,

Kandikal Village was covered by Town Survey and the subject land was assigned T.S.No. 28, recorded as 'Uppuguda Abadi' at Col.No.10 and 'G. Abadi' at Col.No. 20 to an extent of 32624 sq. meters and the same was implemented from 1982-83. The Town Survey Numbers have superseded the survey numbers and the Town Survey Records are in force now, as such, the subject land is a government land and the same has been included in the land bank. Thereafter, upon a Review Petition dated 17.03.1981 filed by R.Mahendra, S/o R. Venkatesham, proceedings were issued by the competent authority Commissioner, Survey Settlement and Land Records dated 26.05.1982 to make corrections in TSLR by sub-dividing T.S.No. 28 into 28/1 and 28/2 and the said issue is subject matter of consideration in Second Appeal.

It is stated further that when petitioner and his father started interfering with the subject land from 01.12.2022 onwards, the Tahsildar, Bandlaguda complained to the then SHO, Bhavani Nagar who booked FIR against D.P. Reddy and others for the offences under Sections 447, 427, 353 read with 34 IPC. Additional Collector, Hyderabad also addressed letter dated 09.02.2023 to the then SHO, Bhavani Nagar to set up night picketing point in the said land bank Parcel No. 243.

Further, upon the complaint of the Tahsildar *vide* letter dated 21.07.2023, FIR was registered against father of petitioner and his henchmen under Sections 447 and 427 IPC. Keeping in view the hypersensitivity of the area, round-the-clock picket of armed reserved force personnel was set up to maintain peace.

This respondent has mentioned the writ petitions filed by petitioner and his father against the government; they are: 1) Writ Petition No. 45561 of 2022 for issuing pattadar pass book with respect to the subject land, filed on 20.12.2022, withdrawn on 09.03.2023, Writ Petition No. 6087 of 2023 for rectification of entries in revenue records (TSLR), filed on 28.02.2023, withdrawn on 20.12.2024, 3) Writ Petition No. 9732 of 2023 against Irrigation Department along with Revenue Department not to interfere with the property, filed on 10.04.2023 and withdrawn on 19.12.2024, 4) Writ Petition No. 19809 of 2023 filed on 24.07.2023 after FIR was registered against petitioner and his father, disposed on 27.12.2023. Simultaneously, Writ Petition No. 10606 of 2023 was filed by third party Enumala Yesudas through un-registered GPA holder. Petitioner herein now filed Writ Petition No. 36539 and 35670 of 2024 against Revenue Department and GHMC,

suppressing the above-stated cases and obtained *status quo* orders.

5. The 8th respondent - Sub-Registrar, Azampura stated in the counter that Tahsildars are designated as Joint Sub-Registrar and authorised to register the agricultural properties *vide* G.O.Ms. No. 118, dated 28.10.2020 and the Sub-Registrars are not authorised to register the agricultural properties except non-agricultural properties; now the Tahsildar can only register the agricultural lands. It is also stated that Section 22-A of the Registration Act prohibits registration of (a) "Documents creating to transfer of immovable property, the alienation or transfer of which is prohibited under any Statute of the State or Central Government" The properties covered under section (a) to (d) does not require any notification, as alleged by the petitioners. The subject property falls under section 22-A (a) (i), hence communicated is valid.

6. Impleaded Respondents 10 and 11 filed counter. In addition to the averments made by the 6th respondent, it is stated that unconcerned land grabbers, who are, in no way, connected with subject land, went to the maximum extent of filing frivolous Writ Petitions by annexing the proceedings belonging to them and by tampering the same, likewise,

petitioner and his father used them in filing the Writ Petitions. It is stated, on 21.07.2023, FIR No. 102 of 2023 was registered against father of petitioner and his henchmen under Sections 447 and 427 IPC. Further, FIR No.109 of 2023, dated 11.08.2023 was registered for the offences under section 147, 148, 523, 506 R/w. 149 against Pattabhi Rami Reddy and 8 others including petitioner and a charge-sheet was also filed wherein the Respondent No.11 is the Complainant. Thereafter, petitioner and his father refrained from making illegal attempts of encroachment in the subject land. Further, petitioner filed O.S No.695 of 2024 on the file of the VII Senior Civil Judge, City Civil Courts, Hyderabad seeking perpetual injunction with respect to subject land against family members of these respondents by creating false cause of action, over the subject property ie TS no.28, Unfortunately, ex-parte injunction was granted on 12. 12.2024 and we received summons and we are reserving our right to contest the same by filing a detailed counter and necessary records. Immediately, after ex parte Injunction was granted in favour of Petitioner, the Writ petitions relied in O.S. No. 695 of 2024 i.e. Writ Petition No. 6087 of 2023 and Writ Petition No. 9732 of 2023 have been withdrawn on 20.12.2023, 19.12.2023 respectively. Such frivolous suits are filed abusing the process of law, suppressing the material and

relevant facts to obtain favourable orders, thereby to grab the subject land and also multiply the litigation. It is pertinent to mention that by taking the undue advantage of the ex parte order obtained by the Petitioner in O.S. No. 695 of 2024, he is trying to encroach upon the property by dispossessing us high handedly. As such, impleaded respondents were constrained to file Writ Petition No. 1140 of 2025, seeking police protection pursuant to the orders passed in SAMP No.2693 of 2010 in S.A. No.1250 of 2010, as there is imminent danger of dispossession in the hands of the Petitioner herein and his henchmen, at any time, may approach the subject property to usurp the same. In which event, the very filing of the suit, Appeal as well as the Second Appeal would be frustrated. Taking cue from the earlier filed Writ Petitions by his father, by creating a false cause of action of threat of dispossession from subject land by Revenue Department and this time further from other Official Respondents of various Government Departments, petitioner filed Writ Petitions No. 35670 and 36539 of 2024, in which these respondents filed Implead petition.

It is stated that these respondents are in possession of subject land from ages and are raising standing crops i.e. para-grass, rearing cattle by erecting cow sheds and also worshipping our family deity Maisamma, wherein the temple is

amidst the subject land and there are also two water ponds to fetch water for the Cattle and farm needs and we are solely dependent on the said land for our livelihood.

7. Heard learned Government Pleaders for Roads & Buildings, Revenue, Stamps & Registration and Sri M.V.Hanumantha Rao, learned counsel on behalf of Respondents 10 and 11. All the learned counsel, in one voice, submit that unable to obtain any favourable orders as desired from this Court, Pattabhi Rami Reddy and later his son ie. petitioner indulged in 'Forum shopping' by approaching different Benches for the same relief by making a minor change in the prayer clause of the petition and substituting some Official Respondents for others with a view to confer jurisdiction on a particular Court, although the prayers are apparently different, the core issue in each petition is centered round the not to interfere orders against the Revenue Department. It is also submitted that petitioner suppressed the material facts of filing different Writ Petitions in the affidavit filed in support of this Writ Petition. In that regard, learned counsel relied on the judgments of the Hon'ble Supreme Court in ***Kusha Duruka v. State of Odisha***[1]***, K. Jayaram v. Bangalore Development***

[1] (2024) 4 SCC 432

Authority[2], Agnigundala Venakta Ranga Rao v. Indukuru Ramachandra Reddy[3].

8. From the narration of facts and the arguments advanced by learned counsel on either side, it is palpably clear that initially, vendors of petitioner's father instituted O.S.No. 227 of 1989 to declare them as possessors of subject land which was dismissed on 04.03.1998; Appeal, Review Petition filed and Civil Revision Petition arising out of the said order received the same fate. Ultimately, the *lis* landed before this Court in Second Appeal No. 1250 of 2010 wherein injunction order was passed restraining respondents from interfering with the subject land. *Pendente lite,* FIRs. were booked against petitioner's father and his henchmen; petitioner and / or his father filed Writ Petition No. 45561 of 2022 for issuing pattadar pass book with respect to the subject land, on 20.12.2022, withdrew the same on 09.03.2023, Writ Petition No. 6087 of 2023 for rectification of entries in revenue records (TSLR), filed on 28.02.2023, which was dismissed as withdrawn on 20.12.2024, 3) Writ Petition No. 9732 of 2023 against Irrigation and Revenue Departments not to interfere with the property, filed on 10.04.2023 which was dismissed as withdrawn on 19.12.2024, 4) Writ Petition No.

[2] (2022) 12 SCC 815
[3] (2017) 7 SCC 694

19809 of 2023 filed on 24.07.2023 after FIR was registered against petitioner and his father, disposed on 27.12.2023. Simultaneously, Writ Petition No. 10606 of 2023 was filed by third party Enumala Yesudas through un-registered GPA holder. Petitioner now filed Writ Petition No. 36539 of 2024 and 35670 of 2024 against Revenue Department and GHMC, suppressing the above-stated cases and obtained *status quo* orders and both the said Writ Petitions are pending wherein the Tahsildar filed counters bringing-forth the cases filed by petitioner. The said counters are placed before this Court for perusal. Now, he has come up with this Writ Petition seeking the self-same relief, to the astonishment, without any whisper about the pending Writ Petitions. Petitioner, so far, could successfully manage to obtain *status quo* orders with regard to the subject land, by suppressing real facts.

9. During the hearing, on 08.01.2025, based on the written instructions obtained from the Tahsildar, Bandlaguda Tehsil, learned Government Pleaders for Revenue and Roads & Buildings submitted that title dispute is pending as regards the subject property between R. Vekatesham (died) per legal representatives R. Prakash and five others and the government and petitioner approached this Court with false and concocted

story and trying to obtain interim orders so as to change the nature of government land and to knock away the valuable property and that petitioner suppressed the factum of filing Writ Petitions No. 45561 of 2022 and 6087 of 2023 by his father and both the Writ Petitions were withdrawn on 09.03.2023 and 20.12.2024 respectively, this Court directed the Registry not to permit petitioner to withdraw this Writ Petition.

10. It is well-settled that the jurisdiction exercised by the High Court under Article 226 of the Constitution of India is extraordinary, equitable and discretionary and it is imperative that petitioner approaching the writ Court must come with clean hands and put forward all facts before the Court without concealing or suppressing anything. A litigant is bound to state all facts which are relevant to the litigation. If he withholds some vital or relevant material in order to gain advantage over the other side, then he would be guilty of playing fraud with the Court as well as the opposite party which cannot be countenanced. In exercising extraordinary power, a writ court would indeed bear in mind the conduct of the party which is invoking such jurisdiction. If the applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of

misleading the Court, the Court may dismiss the action without adjudicating the matter.

11. In ***R. v. Kensington Income Tax Commissioner***[4], it has been held that 'an applicant who does not come with candid facts and 'clean breast' cannot hold a writ of the court with 'soiled hands'. Suppression or concealment of material facts is not an advocacy. It is a jugglery, manipulation, manoeuvring or misrepresentation, which has no place in equitable and prerogative jurisdiction. If the applicant does not disclose all the material facts fairly ad truly but states them in a distorted manner and misleads the court, the court has inherent power in order to protect itself and to prevent an abuse of its process to discharge the *rule nisi* and refuse to proceed further with the examination of the case on merits. If the court does not reject the petition on that ground, the court would be failing in its duty. In fact, such an applicant requires to be dealt with for contempt of court for abusing the process of the court'.

12. In ***K. Jayaram's case (supra)***, it has been held that in order to check multiplicity of proceedings pertaining to the same subject-matter and more importantly, to stop the menace of soliciting consistent orders through different judicial forums by suppressing material facts either by remaining silent

[4] (1917) 1 KB 486

or by making misleading statements in the pleadings in order to escape the liability of making a false statement, the parties have to disclose the details of all legal proceedings and litigations either past or present concerning any part of the subject matter of dispute which is within their knowledge. In case, according to parties to the dispute, no legal proceedings or court litigations were or are pending, they have to mandatorily state so in their pleadings in order to resolve the dispute between the parties in accordance with law.

13. In view of the above and also in view of several precedents set by the Hon'ble Apex Court with regard to suppression of facts, this Court is of the view that anyone who takes recourse to method of suppression in a court of law, is, in actuality, playing fraud upon the court, and the maxim *suppressio veri, expressio falsi* i.e. suppression of truth is equivalent to expression of falsehood, gets attracted since petitioner has not disclosed filing of several writ petitions concerning the subject land and dismissal of some of them. Hence, he has to be non-suited on the ground of suppression of material facts as he has not approached the court with clean hands and also abused the process of law.

14. Here, it is worth noting that 'the stream of administration of justice has to remain unpolluted so that purity of court's atmosphere may give vitality to all the organs of the State. Polluters of judicial firmament are, therefore, required to be well-taken care of to maintain the sublimity of court's environment; so also to enable it to administer justice fairly and to the satisfaction of all concerned. Anyone who takes recourse to fraud, deflects the course of judicial proceedings; or if anything is done with oblique motive, the same interferes with the administration of justice. Such persons are required to be properly dealt with, not only to punish them for the wrong done, but also to deter others from indulging in similar acts which shake the faith of people in the system of administration of justice ***(see Chandra Shashi v. Anil Kumar Verma {(1995) 1 SCC 421}.***

15. As of now, our judicial system is grossly afflicted with frivolous litigation, hence, ways and means need to be evolved to deter litigants from their compulsive obsession towards senseless and ill-considered claims. Litigation like the present one is contributing fuel to fire in mounting pendency, disabling the Courts to discharge the prime duty of justice dissemination. One needs to keep in mind that there is an

innocent sufferer on the other side of every irresponsible and senseless claim. This Court expresses its dissatisfaction on the unbecoming conduct of petitioner in wasting judicial time by filing cases suppressing the facts. It is a well-known fact that there is huge pendency of cases and pressure on Judges in disposing of such cases is enormous. Genuine litigation is not getting the attention of the Courts by this type of frivolous litigation.

16. Further, on merits, it is to be seen that the issue of declaring the vendors of petitioner's father as owners of the subject land is pending consideration in Second Appeal No. 1250 of 2010. Knowing fully well, petitioner with the help of land grabbers, is trying to interfere in the said matter and is filing frivolous and vexatious Writ Petitions on the basis of rank fabricated, sham and bogus documents, to grab the valuable government land. In the counter, the Tahsildar had, in clear and categorical terms, stated that keeping in view the grave threat of encroachment posed to T.S.No. 28, the then Tahsildar addressed letter dated 15.09.2022 to the then SHO, Bhavani Nagar P.S. to keep strict vigil an patrolling over the said land so as to protect the same from being encroached by third party land grabbers and also letter dated 15.06.2024 to the SHO, Santhosh Nagar. According to respondents, neither petitioner

nor his father do have any right, interest, title or possession over the subject land and claiming the land on the basis of fabricated document No. 9050 of 1980 dated 30.07.1980 on Survey Nos. 3109/1 and 310/2, non-existent at the point of time and filed Writ Petitions No. 35670 and 36539 of 2024 against the Revenue Department seeking not to interfere with the possession over the subject property. It is also to be noticed here that learned Government Pleader for Revenue raises serious concern with regard to the conduct of petitioner who has been making efforts to secure orders by suppressing the fact that land is in the custody of Revenue Department, and trying to grab the valuable land of the government worth Rs. 400 to 500 crores. In view of the above, this Court cannot give any positive direction in favour of petitioner to sell the land and direct the registering authorities to entertain and register the sale deeds presented by him in respect of the land.

17. At this stage, learned Government Pleader for Revenue as well as learned counsel for impleaded Respondents 10 and 11 submit that during the pendency of this Writ Petition, again, petitioner approached this Court as well as civil Court and obtained *status quo* orders. This conduct of petitioner not only undermines the integrity of the judicial process but also

leads to an abuse of legal remedies, causing unnecessary burden on the Courts. Hence, it is imperative, in the interests of justice, to dismiss the Writ Petition with exemplary costs.

18. The Writ Petition is therefore, dismissed with costs of Rs. One crore to be paid by petitioner in favour of Telangana State Legal Services Authority on or before 10.04.2025. If this direction is not complied with, Registrar (Judicial-I) is directed to list this Writ Petition on 11.04.2025 without fail.

19. Consequently, miscellaneous Applications, if any shall stand closed.

NAGESH BHEEMAPAKA, J

18th March 2025

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