

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2026
(arising out of SLP(C) Nos. 12819-12820/2026)

PREMAL PRATAP JOISHER & ANR. APPELLANT(S)

VERSUS

VIKRAM JETHLAL JOISHER & ORS. ETC. RESPONDENT(S)

O R D E R

1. Leave granted.

2. These appeals arise out of the common order dated 10.03.2026 passed by the High Court of Andhra Pradesh at Amaravati in Writ Appeal Nos. 397 and 404 of 2025. By the said order, a division bench of the High Court allowed the appeals and set aside the order dated 24.03.2025 passed by a learned Judge of the High Court in Writ Petition No. 21407/2008.

3. The matter relates to mutation in the revenue records.

4. The first round of civil litigation between the parties apropos the prayer for a permanent injunction by Jethalal Haridas Joisher culminated in dismissal of a second appeal by the High Court on 20.11.2006, confirming the dismissal of the first appeal

and of the suit, earlier thereto.

5. Thereupon, the Mandal Revenue Officer, Somandepalli Village, Anantapur District, directed amendment of the record of rights.

6. Aggrieved by the orders of the Mandal Revenue Officer, incorporating the name of Pratap C. Joisher, the father of appellant No. 1 before us, an appeal was filed before the Revenue Divisional Officer, Penukonda, Anantapur District, under the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, and the Rules framed thereunder.

7. *Ex parte* interim order dated 01.11.2007 was passed in the said appeal, suspending the entries/amendments made. Notice was issued by the Revenue Divisional Officer, Penukonda, on 21.06.2008 to the parties.

8. Aggrieved by the entertainment of the appeal by the Revenue Divisional Officer, Penukonda, Writ Petition No. 21407/2008 was filed before the High Court by Pratap C. Joisher. This writ petition came to be disposed of on 24.03.2025. Perhaps owing to the long lapse of time since its institution, the learned Judge accepted the plea of the writ petitioner to decide the matter instead of relegating the parties to the appellate authority.

9. We may note, at this stage, that Original Suit No. 19/2007 was filed by Vikram Jethalal Joisher, son of Jethalal Haridas Joisher, and others, on the file of the learned II Additional District Judge, Hindupur, for declaration of their title over the suit schedule properties, viz. the very same properties in relation to which the mutation tussle was going on.

10. Significantly, the suit prayer was for a consequential injunction restraining the defendants from interfering with the possession and enjoyment of the suit schedule properties by the plaintiffs but in the event the Court came to the conclusion that the defendants were in possession, a direction was sought that the possession be delivered to the plaintiffs through Court.

11. The said suit was decreed on 29.03.2022. The trial Court held therein that the plaintiffs were entitled to be declared the owners of the suit schedule properties but they were not in possession thereof. The trial Court further held that they would be entitled to recovery of possession through the process of law and, accordingly, directed the defendants to deliver possession of the suit schedule properties within a month, failing which the plaintiffs were given liberty to proceed according to law.

12. Aggrieved by this judgment and decree, the appellants before us filed A.S. No. 101/2022 before the High Court. Therein, an

interim order was passed on 02.05.2022, recording that the respondents therein undertook not to take any steps with regard to execution of the decree under appeal. Certain other observations were also made with regard to payment of the land acquisition compensation, with which were are not concerned presently.

13. Taking note of the aforestated litigation, the learned Judge dealing with the writ petition observed that, in terms of the judgment and decree passed by the trial Court, the title of the property was with one party while the possession still remained with the other. Observing that entries in the revenue records do not confer title or ownership over property, but the said entries normally reflect the true and actual position as existing physically, the learned Judge strived to strike a balance by directing that the revenue records be amended showing the name of the decree holders in the "Owner" column, while reflecting the name of Pratap C. Joisher, the father of appellant No. 1 before us, in the "possessor" column. The learned Judge also clarified that such entries would be subject to the outcome of A.S. No. 101/2022.

14. Aggrieved by this order, the subject writ appeals came to be filed. By the impugned common order, the division bench ordered the names of the appellants in the writ appeals, who claimed under Jethalal Haridas Joisher, to be shown in both the columns, i.e., the columns pertaining to "owner" as well as "possessor".

15. We find that the division bench went into the merits of the matter and made several observations which would have an impact on the pending first appeal in A.S. No. 101/2022. However, we are not inclined to go into the validity of the impugned common order and the findings recorded therein, in the light of the order that we propose to pass invalidating the entire exercise undertaken by the parties by taking recourse to the High Court's writ jurisdiction.

16. We may note that though the writ petition remained pending before the learned Judge for a considerably long period of time, it was not for the learned Judge to take on the role of the statutory appellate authority. Once the learned Judge found that such an appeal did lie and it was within the power of the said appellate authority to take the appeal on record and issue notice therein, the learned Judge ought to have left the matter to the appellate authority to decide the said appeal on merits and in accordance with law. The mere passage of time did not justify the learned Judge stepping into the shoes of the appellate authority. Statutory remedies are provided to enable the parties to work out their rights before various fora at multiple levels. Such statutory schemes cannot be set at naught only because of the delays that may arise in that process.

17. In that view of the matter, we are of the considered opinion

that neither the order dated 24.03.2025 passed by the learned Judge in Writ Petition No. 21407/2008 nor the common order dated 10.03.2026 passed by the division bench in Writ Appeal Nos. 397 and 404 of 2025 were justified or sustainable in law. The said orders are, accordingly, set aside and the matter is remitted to the file of the Revenue Divisional Officer, Penukonda, Anantapur District, to continue with the proceedings in the statutory appeal, which was taken on file as Rc. No. CCH/1743/2007.

18. The appellate authority shall consider the said appeal on its own merits and in accordance with law, duly taking into account the fact that the substantial appeal in A.S. No. 101/2022 is still pending consideration before the High Court. Needless to state, the decision rendered by the Revenue Divisional Officer, Penukonda, Anantapur District, would be subject to and would have to abide by the final decision that arises out of A.S. No. 101/2022. In the meanwhile, it is for the appellate authority to pass appropriate orders with regard to the entries in the revenue records, by hearing the parties concerned on merits and in accordance with law.

19. The appeals are, accordingly, disposed of in the aforesaid terms.

Pending application(s), if any, stand disposed of.

.....J.
(SANJAY KUMAR)

.....**J.**
(VIPUL M. PANCHOLI)

NEW DELHI;
APRIL 17, 2026.

ITEM NO.28

COURT NO.12

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) Nos. 12819-12820/2026

[Arising out of impugned final judgment and order dated 10-03-2026 in WA Nos. 397/2025 and 404/2025 passed by the High Court of Andhra Pradesh at Amravati]

PREMAL PRATAP JOISHER & ANR.

Petitioner(s)

VERSUS

VIKRAM JETHLAL JOISHER & ORS. ETC.

Respondent(s)

(FOR ADMISSION, IA No. 106496/2026 - ADDITION / DELETION / MODIFICATION PARTIES, IA No. 106483/2026 - EXEMPTION FROM FILING O.T. and IA No. 105700/2026 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 17-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) :

Mr. S. Niranjan Reddy, Sr. Adv.
Mr. Raavi Yogesh Venkata, AOR
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Ms. Sana, Adv.

For Respondent(s) :

Mr. Mullapudi Rambabu, Adv.
Mr. Nithin Chowdary Pavuluri, Adv.
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Mr. Subham Saurabh, Adv.
Mr. Praveen Kumar Sharma, Adv.
Ms. Sampathi Rao Dikshitha, Adv.
Mr. Rajendra Prasad Maurya, Adv.
M/s. Niyati Law Chambers LLP, AOR

Mr. B. Adinarayana Rao, Sr. Adv.
Mr. Byrapaneni Suyodhan, Adv.
Ms. Tatini Basu, AOR
Mr. Kumar Shashank, Adv.
Ms. Obulapuram Keerthi, Adv.
Mr. Mrk Chakravarthy, Adv.

**UPON hearing the counsel, the Court made the following
O R D E R**

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending application(s), if any, stand disposed of.

**(DEEPAK GUGLANI)
DEPUTY REGISTRAR**

**(PREETI SAXENA)
COURT MASTER (NSH)**

(signed order is placed on the file)