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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
PANKAJ MITHAL; J., S.V.N. BHATTI; J.
SPECIAL LEAVE PETITION (CIVIL) NOS. 27590 OF 2025; May 6, 2026
VADIYALA PRABHAKAR RAO & ORS.

versus

THE GOVERNMENT OF ANDHRA PRADESH & ORS.

Hyderabad Forest Act, 1326 Fasli (1916 AD) & 1355 Fasli (1945 AD) – Revenue Entries – Evidentiary value on title – Scope of Writ Jurisdiction – Writ of Certiorari – Revenue records or Jamabandi entries serve only a fiscal purpose to enable the person whose name is mutated to pay land revenue - A revenue record is not a document of title and does not create or extinguish ownership, nor does it possess presumptive value regarding title - Stray or solitary entries for a single year cannot be relied upon against long, consistent revenue entries - Proceedings under Article 226 of the Constitution of India are not the appropriate forum for resolving serious disputes concerning complex questions of fact and property title - The proper function of investigating these claims lies with a civil court in a regularly constituted suit, rather than a court exercising writ jurisdiction - A Writ of Certiorari lies only on limited grounds, namely: (i) want of jurisdiction, (ii) excess of jurisdiction, (iii) violation of principles of natural justice, and (iv) an error of law apparent on the face of the record. [Relied on *Sohan Lal v. Union of India*, (1957) 1 SCC 439; Paras 16 - 19]

For Petitioner(s) Mr. Dama Seshadri Naidu, Sr. Adv. (argued by) Mr. Y. Raja Gopala Rao, AOR (argued by) Mr. Akshay Singh, Adv. Mr. Deepak Sharma, Adv. Ms. Sanjana Jain, Adv.

For Respondent(s) Mr. Kodandaram Challa, Sr. Adv. (argued by) Ms. Aishwarya Bhati, A.S.G. Mr. Sravan Kumar Karanam, AOR Mr. Kumar Abhishek, Adv. Mr. P. Venkatraju, Adv. Ms. M. Harshini, Adv.

J U D G M E N T

S.V.N. BHATTI, J.

1. Leave granted.

2. On 06.02.1950, a Gazette Notification under Section 7(1) of the Hyderabad Forest Act, 1326 Fasli¹, was issued proposing to include land in an extent of 787 Acres in Survey No. 81 of Kalvalanagaram Village as a reserve forest. The Joint Collector, Khammam, *vide* Order dated 19.05.2003, rejected the Appellants' claim to exclude the land in Survey No. 81, in an extent of 600 Acres, Kalvalanagaram Village, Pinapaka Mandal, Khammam District ("Subject Matter"), from the proposed declaration as forest land/reserve forest. The Appellants questioned the Order dated 19.05.2003 in Writ Petition No. 19107 of 2003 in the then High Court of Judicature, Andhra Pradesh, at Hyderabad.

The Appellants prayed for the following reliefs:

2.1 To issue a Writ of Mandamus declaring the order in Case No. B26359/87 dated 19.05.2003 of the Joint Collector, Khammam, as illegal; and

¹ Corresponds to 1916 AD.

2.2 Consider the claims and rights of the Appellants in respect of the land in Survey No. 81, in an extent of 600 Acres, Kalvalanagaram Village, Pinapaka Mandal, Khammam District, under Sections 10 and 11 of the Hyderabad Forest Act, 1355F².

3. In a nutshell, the Appellants prayed for setting aside the Order dated 19.05.2003 under Sections 10 and 11 of the Hyderabad Forest Act, 1355F, and accept the claims of Appellants for the Subject Matter of Appeal and exclude the Subject Matter in the proposed Notification as Forest Land/Reserve Forest. On 27.03.2012, Writ Petition No. 19107 of 2003 was allowed, and the order dated 19.05.2003 in Case Number B2-6359/87 of the Joint Collector, Khammam, was set aside, and it was declared that the proceedings relating to the reservation of the Subject Matter were *ultra vires* and *non est* in law. The State filed Writ Appeal No. 910 of 2012, and the High Court for the State of Telangana at Hyderabad, through the impugned Judgment, allowed the Writ Appeal. Hence, the Civil Appeal at the instance of the Claimants.

4. The Subject Matter of the Civil Appeal was under the administration and control of the Nizam of Hyderabad. The Subject Matter is presently located and identified as Survey No. 81 in Kalvalanagaram Village, Karakagudem Mandal, Bhadradi Kothagudem District, State of Telangana. The Appellants state that in 1931-32³, the then H.E.H the Nizam of Hyderabad granted pattas in favour of either the Appellants or their predecessors-in-interest. It is further averred that on 06.02.1950, a proposal was initiated for notifying an extent of 787 Acres in Survey No. 81, which included the Subject Matter as forest land. The Appellants categorically plead that the steps were initiated under the Hyderabad Forest Act, 1326F. The enactment under which the Notification was issued is not specifically stated by the Appellants at the earliest point in time, and the Respondents state that the proceedings to which a reference is made by the Appellants were in fact under the Hyderabad Forest Act, 1355F. The controversy regarding the legality or otherwise of the Notification dated 06.02.1950 would be examined, subject to our view on the Appellants' claim that the Subject Matter is patta land. The Appellants refer to an order dated 08.10.1984, said to have been issued by the Commissioner of Survey, Settlement and Land Records, directing a *de novo* inquiry and submission of a report by reconstructing the record. The copy of the said Order is not filed by the Appellants. Notwithstanding the same, we proceed to refer to the Report dated 07.01.1990 of the Mandal Revenue Officer ("MRO"), Pinapaka Mandal, Khammam District. The MRO, after accepting the admitted position that the primary records concerning the Subject Matter are unavailable, but still, on a few documents made available, recommends as follows:

"14. In view of the above facts, the Forest Block, Kalvalanagaram was not declared as Reserve Forest U/s. 15 of AP Forest Act, So far, but the process of reservation is still under initial stage. Therefore, the patta lands pertaining to Sri.V.Venkaiah and Sri.R.Venkatarathnam Acs. 754.36 in Sy.No.81 of Kalvalanagaram has to be deleted from the proposed Forest Block.

15. The matter can be considered at the level of (FSO, Khammam) and delete the area in question from the proposed reservation of forest block Kalvalanagaram as the very formation of block is not, in fact, according to ground position."

5. Thereafter, the Appellant filed an Additional Claim Statement in July 1995 before the Joint Collector for excluding the Subject Matter from the proposed

² Corresponds to 1945 AD.

³ Corresponds to 1341 Fasli.

declaration as a reserve forest. The Claimants prayed for the following alternative reliefs from the Joint Collector (Forest Settlement Officer):

- I. Provide alternative land to the Claimants while permitting them to retain the rights to the tree growth; or
- II. Initiate land acquisition proceedings and make a declaration under Section 15 of the Forest Act; or
- III. De-reserve the subject land in the ends of justice.

6. The Claimants rely on the following documents in support of the claim for ownership of the Subject Matter and to delete it from forest land/proposed reserve forest, or if a final Notification under the extant forest law is made, to pay compensation under the Land Acquisition Act, 1871.

PROCEEDINGS AND ORDERS IN LAND REFORMS TRIBUNAL CASES	
1.	Land ceiling declaration of R. Narsimha Rao (1975).
2.	Land ceiling declaration of Repaka Narayana (1975).
3.	LRT, Kothagudem proceedings for R. Krishna Murthy (1977).
4.	LRT, Kothagudem proceedings for R. Seetharama Rao (1977).
5.	LRT, Kothagudem proceedings for R. Narayana (1977).
6.	LRT, Kothagudem proceedings for R. Narsimha Rao/V. Ram Mohan Rao.
7.	LRT, order for Vadiyala Ram Mohan Rao (11-7-1977).
8.	LRT, order for Vadiyala Ram Mohan Rao (6-5-1980).
9.	LRT, proceedings for Vadiyala Ram Mohan Rao (24-9-1981).
10.	Order under AP Lands Revenue Enhancement Act.
REVENUE RECORDS AND OTHER DOCUMENTS	
11.	Pahanie copies for 1346 and 1356 Fasli.
12.	Pahanie copies for 1348, 1353, and 1355 Fasli.
13.	Pahanie copy for 1354 Fasli.
14.	Registered Vasool Baqi of 1352 Fasli.
15.	Map of Survey No. 81.
16.	Memo from Tahsildar, Burgampad.
17.	Mutation petition by R. Krishna Murthy and others.
18.	Hand receipt from Patwari (1972).
19.	Land Revenue receipts (various dates from 1951–1974).
20.	Certificate issued by FSO (Rc.No.D/674/63).
21.	Faisal Patti copy for 1342 Fasli (Survey No. 81).

7. The case of the Appellants is that, in 1920 (1330F), rights were created in favour of *Sivai jamandars*, and the same were mutated in favour of persons in possession in or about 1931, when pattas, i.e., a grant or allotment, were made in favour of the Claimants. The Government/Forest Department's proposed action to treat the Subject Matter as forest land is illegal.

8. The Joint Collector, *vide* Order dated 19.05.2003, rejected the Appellants' proprietary claim and held that the Claimants failed to produce original documentary evidence, such as patta certificates, to support their claim of assignment, noting that mere entries in Revenue Records are insufficient to confer title. Furthermore, it was established that the Claimants were never in physical possession of the land for 70 years, as the property remained uncultivated and covered by forest growth. Additionally, the Claimants failed to provide evidence explaining how the land's mutation transitioned from the twelve original persons down to only two Claimants.

Ultimately, the Joint Collector concluded that he was not the appropriate Forum to adjudicate matters of land title. The Appellants reiterated the same stand in the Writ Petition and assailed the Order of the Joint Collector dated 19.05.2003. The Forest Department and the Government opposed the Writ Petition, primarily contending that the Notification under the Hyderabad Forest Act prohibits the accrual of new private rights. The document of title, i.e., patta certificate, was never produced in support of the Claimants' case. The Revenue Record for the year 1954-55, i.e., Khasra Pahanie, recorded the Subject Matter as UFTADA and covered in thick forest growth, and the claimants were never in possession of the Subject Matter.

9. The learned Single Judge on 27.03.2012 allowed the Writ Petition as noted above, and a few of the findings recorded by him are noted hereunder:

Confirmation of Initial Land Grants

a. It was an established fact that the Claimants and ten others were granted pattas for Ac. 600.00 Gts. in Sy. No. 81 of Kalvalanagaram village in 1933 AD (1343 Fasli).

Extinguishment of Government Rights and Conferment of Title

b. The Government's grant of these pattas extinguished the Government's proprietary rights and conferred legal title on the pattadars.

Validation of Possession Based on Official Reports

c. It disagreed with the Joint Collector's observation that Claimants failed to prove possession, noting that the MRO's Report showed the original 12 pattadars were granted the land after paying forest growth valuation and consulting forest authorities.

Justification for Missing Mutation Records

d. Although records for the mutation of the full Ac. 600.00 to the two primary claimants was unavailable; it was "admittedly destroyed" during Police action in 1948.

Exemption from Civil Court Adjudication

e. It is observed that, because the dispute was between the claimants and the Government (rather than between two private parties), the Claimants need not go to a civil court to establish title.

Invalidity and Jurisdictional Error of the Forest Notification

f. The 1950 Notification reserving the forest was issued under the Hyderabad Forest Act 1326F, which had been repealed by the 1355F Act by then. Consequently, the Notification was deemed wholly without jurisdiction, *ultra vires*, and *non est* in the eyes of the law.

g. Hence, the learned Single Judge allowed the writ petition, quashed the Joint Collector's order dated 19.05.2003, and declared the proceedings to reserve the subject matter as forest land to be *ultra vires*.

10. On the appeal filed by the Respondents, the Division Bench, through the impugned Judgment, reversed the Order dated 27.03.2012. The Division Bench disagreed with the Single Judge's finding that the Notification dated 06.02.1950 was *ultra vires* and *non est* in the eyes of the law because it was issued under the repealed 1326 Fasli Act rather than the 1355 Fasli Act. It was held that a Notification is not invalidated merely because it was issued under the wrong enactment, provided it is not inconsistent with the provisions of the new Act. There is a presumption in favour of the Notification, and no merit is found in the contention that it was issued under the repealed Act. Further, the Claimants failed to produce any original pattas or documentary evidence to substantiate how the Claimants came into possession of Ac.

300.00 each. On Evidentiary Value and Sanctity of Revenue Entries, the impugned Judgment held that revenue entries must be based on documents presented to Authorities for mutation. In the absence of such documents, the Bench deemed the entries non-compliant with procedure and lacking in sanctity. Hence, in the failure to produce the documents of title, the case could not be countenanced. The Division Bench, incidentally, rejected a late request to bring legal representatives of Respondent No. 8 on record, noting it was made only at the conclusion of arguments to seek more time. For these reasons, the Division Bench allowed the Writ Appeal and set aside the earlier order of the Single Judge.

11. We have heard Sri Y. Rajagopal Rao, Learned Counsel for the Appellants, and Sri Kodandaram Challa and Ms. Aishwarya Bhati, Learned Senior Counsel for the Respondents.

12. The Appellants argue that the claim and entitlement of Appellants to Subject Matter is fortified and established through Revenue Records: (a) Faisal Patti for the 1342 Fasli, (b) Pahanies for the years 1347 Fasli and 1356 Fasli, dated 07.12.1990, (c) 1348 Fasli, 1353 Fasli and 1355 Fasli dated 07.12.1990, (d) 1354 Fasli dated 07.12.1990, and an extract of Vasool Baqi of 1352 Fasli. First and foremost, it is argued that the impugned Judgment fell into error by observing that no piece of document has been placed on record before the Court to show how the names of the two Claimants were mutated in the Revenue Records. According to the Appellants, the revenue extracts established their claim to the Subject Matter. The Report of MRO dated 07.01.1990 fortifies that the Revenue Records stand in the name of claimants and the title is presumed to have been in favour of the Appellants, and the Government *ipse dixit* cannot treat the Subject Matter as available for declaring as Forest Land/Reserve Forest. The Respondents can certainly declare the Subject Matter as Forest Land/Reserve Forest after the claim is adjudicated and compensation paid to the Claimants. The alternative argument is that the Joint Collector does not have jurisdiction to examine the rival claim of the Claimants and the Government. In procedural fairness, the issue must be left open for consideration by an Authority/Court for a fullfledged trial and Adjudication. The impugned Judgment erred in accepting a Notification issued under 1326F as one issued under 1355F. A writ forum is not the appropriate Forum for declaring title to the property in a contest between the parties. To that extent, the findings of the learned Single Judge are erroneous; still, the issue ought to have been left open for determination by the Competent Court/Authority.

13. For Respondents, it is argued that the Notification on record need not necessarily be treated as one issued under 1326F. The purpose for which it is issued demonstrates that it has been issued under 1355F. The Revenue Records, namely, Faisal Patti and Vasool Baqi, by themselves do not create a title in favour of the Appellants. The genesis of the Claim is a Patta, allegedly issued in favour of the Appellants or their predecessors-in-interest, which the Appellants have not exhibited. The mere Revenue entries cannot be treated as axiomatic proof of title in favour of the Claimants. The Orders under land ceiling proceedings cannot be treated as a decision on title between the Government and the Claimants. Therefore, the Subject Matter is the Government Land and is rightly proposed to be treated as Forest Land/Reserve Forest. It is next contended that the argument of Appellants that the real issues between the parties need to be decided by a Civil Court/Authority merely prolongs the life of litigation, and already seventy-five years have gone by since the

first step for declaration as a reserve forest of the Subject Matter was taken in 1950. The findings of the Single Judge are unsupported by documents, and the relief of a declaration in the writ proceedings is still granted. The Respondents contend that the material is bereft of any legal claim and entitlement and pray for the dismissal of the Civil Appeal.

14. We sum up the twin-fold effort of the Appellants in the present Civil Appeal, firstly, to accept the entries in the Revenue Records and presume the title of Appellants for the Subject Matter. Secondly, without prejudice to the above, the further endeavour is to leave the matter for consideration afresh before a Court of competent jurisdiction/authority.

15. The controversy in the Civil Appeal centres around Faisal Patti, Vasool Baqi and Pahanies in favour of the Appellants. The Appellants do not place on record the document of title, i.e. the patta, standing in their names or their predecessors in interest. The Writ Court has accepted the claim to title and effectively directed the exclusion of the Subject Matter from the proposed Notification, designating it as a reserve forest. Therefore, it is appropriate to test the case of the Appellants on the evidence produced by them. The evidence can be classified as Revenue Records.

16. Let us summarise the precedents on Revenue Entries and their legal effect on the question of title:

16.1 Entries in Revenue Records or *Jamabandi* serve only a “fiscal purpose”. Their primary function is to enable the person whose name is mutated in the records to pay the land revenue in question.⁴

16.2 A Revenue Record is not a document of title and does not confer any ownership or title upon the person whose name appears in it.⁵ Further, mutation does not create or extinguish title and has absolutely no presumptive value regarding title.⁶

16.3 The mere acceptance of municipal or agricultural taxes, or the granting of a bank loan based on these records, does not stop the State from challenging the ownership of the land.⁷

16.4 While they do not prove title, Revenue Records can raise a presumption regarding possession.⁸ Maintenance and custody of Revenue Records is the exclusive domain of the Patwari, and it is not uncommon that Revenue Records are often tinkered with by him to suit the exigencies.⁹

16.5 Stray or solitary entries recorded for a single year do not raise a presumption of rights and cannot be relied upon against a long, consistent course of revenue entries in favour of another party.¹⁰

⁴ Suraj Bhan v. Financial Commissioner, (2007) 6 SCC 186; Jitendra Singh v. State of MP, 2021 SCC OnLine SC 802; Bhimabai Mahadeo Kambekar v. Arthur Import & Export Co., (2019) 3 SCC 191; Sawarni v. Inder Kaur, (1996) 6 SCC 223.

⁵ Suraj Bhan. (*supra*); Gurunath Manohar Pavaskar v. Nagesh Siddappa Navalgund, (2007) 13 SCC 565; State of A.P. v. Star Bone Mill & Fertiliser Co., (2013) 9 SCC 319; Jitendra Singh (*supra*).

⁶ Balwant Singh v. Daulat Singh (D) By Lrs., (1997) 7 SCC 137; Sawarni (*supra*); Bhimabai Mahadeo Kambekar. (*supra*)

⁷ Star Bone Mill & Fertiliser Co. (*supra*)

⁸ Gurunath Manohar Pavaskar (*supra*); Star Bone Mill & Fertiliser Co. (*supra*)

⁹ Guru Amarjit Singh v. Rattan Chand, (1993) 4 SCC 349.

¹⁰ Bhimeshwara Swami Varu Temple v. Pedapudi Krishna Murthi, (1973) 2 SCC 261; Salem Municipality. (*supra*)

16.6 The creation of fabricated records in collusion acts as a camouflage to defeat the legal rights of the actual tiller, and the Government is not bound by them.¹¹

17. For the limited purpose of appreciating the case of Appellants, we notice that the two Revenue Records are (i) Faisal Patti for 1342F, and (ii) Vasool Baqi for 1352F. The Pahanie copy of the village for the Faslis 1346-1356, shown in Column No. 3, records Survey No. 81 of Kalvalanagaram as Jungle. At best, the Pahanies, as is evident to a mere perusal, are unauthorised entries or mutations. The law is well settled that, through Revenue entries, the claim to title is not proved. Further, in a Writ of Certiorari, the learned Single Judge declared the title of the Appellants. On perusal of these documents, and appreciating the intrinsic quality deficiency and the contradictory mutation, it is noted that Subject Matter is recorded as “Jungle” (meaning Forest), and the names of private individuals were recorded in one of the columns. These entries are not supported by a patta or an Order lawfully made, authorising mutation as per the extant procedure. This Court, in *Sohan Lal v. Union of India and another*,¹² noted that proceedings under Article 226 of the Constitution of India are not the appropriate forum for resolving serious disputes concerning questions of fact and title to property. Investigating these claims is the proper function of a civil court in a regularly constituted suit, rather than of a court exercising the prerogative to issue writs.

18. The Appellants, on 09.11.1990, moved the Joint Collector for the exclusion of Subject Matter from the proposed declaration as Forest Land/Reserve Forest. The Joint Collector, in our considered view, rightly rejected the claim because the Appellants failed to prove the primary document through which title to the property is claimed by them. The Revenue Record/entries for the limited purpose of appreciating the case are truncated and contradictory. The learned Single Judge, notwithstanding the above deficiencies in the quality of documentary evidence relied on by the Appellants, declared the entitlement of the Appellants to the Subject Matter. To wit, and also for clarity, we excerpt the same as under:

“In the result, the writ petition is allowed making Rule Nisi absolute quashing the impugned order dated 19-5-2003 passed by the Joint Collector, Khammam in Case No. B26359/87 and declaring that the proceedings relating to reserving Ac. 600-00 in S.No.81 of Kalavalanagaram village as forest block of Kalavalanagaram are ultra vires and non est in the of law. No costs.”

19. The Appellants, having moved the Joint Collector, failed to establish their claim to the Subject Matter. The impugned judgment has examined how the learned Single Judge erred in expanding the scope of Judicial Review under Article 226 of the Constitution of India. The Writ Prayer might have been one for Writ of Mandamus, keeping in perspective the nature of the challenge to the order of the Joint Collector dated 19.05.2003. The prayer, in essence, was, however, for a Writ of Certiorari. The Writ of Certiorari, as it is axiomatic, lies on limited grounds, i.e., (i) want of jurisdiction, (ii) excess of jurisdiction, (iii) violation of the principles of natural justice, and (iv) an error of law apparent on the face of the record.

20. In our view, the learned Single Judge expanded the scope of judicial review, and for all purposes declared the claim of the Appellants as maintainable for the title to the Subject Matter. Such a course is unavailable, and the same has been rectified through the impugned judgment. Having noted the Claim and the documents on which

¹¹ Baleshwar Tewari v. Sheo Jatan Tiwary, (1997) 5 SCC 112 ; State of Punjab v. Sadhu Ram, (1997) 9 SCC 544.

¹² (1957) 1 SCC 439.

the Appellants are relying, we are of the view that the life of the litigation need not be extended by leaving open a few non-existing issues for decision, either by an Authority or a Court.

21. Consequently, the Civil Appeal fails and is dismissed. No order as to costs. Pending application(s), if any, stand disposed of accordingly.

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