

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.7767 of 2011

Date: 07-07-2015

Between:

G. Narendra Reddy and another

.... Petitioners

AND

The State of Telangana, represented by its
Principal Secretary to Revenue (Endowments-II)
Department, Hyderabad and 3 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.7767 of 2011

ORDER:

This writ petition is filed for a mandamus seeking a direction to the respondents to implement the proceedings of the Commissioner of Endowments vide Rc.No.M4/62744/2003, dated 30-12-2004 passed under Section 89 (2) of the Endowments Act, 1987 over the land bearing Sy.No.673 admeasuring Ac.14.10 guntas situated at Davarayamjal village, Shameerpet Mandal, Ranga Reddy District and to direct the respondents to lift the prohibition of registration of lands by issuing No Objection Certificate for registration of the subject land.

2. The case of the petitioners is that they are owners of the land bearing Sy.No.673 admeasuring Ac.14.10 guntas situated at Devaramjal village, Shameerpet Mandal, Ranga Reddy District having purchased the same under different sale deeds. There is a dispute between the petitioners and the 4th respondent-temple in

respect of said land and ultimately a compromise decree was passed and the 2nd respondent issued proceedings in Rc.No.M4/62744/2003, dated 30-12-2004 in exercise of powers vested under Section 89 (2) of Act 30 of 1987 directing the 4th respondent temple to enter into compromise with the petitioners on payment of Rs.3,50,000/- to the subject temple for issuing No Objection certificate to relinquish the rights of the temple over the lands, as the case may be, under compromise in the interest of institution with certain terms and conditions imposed therein. When the petitioners sought for implementation of the same, the Government issued show cause notice in notice No.59429/Endts.II/A1/2007, dated 12-12-2007 calling for explanation as to why the order dated 30-12-2004 should not be cancelled on or before 15-01-2008, pursuant to which, the petitioners submitted their explanation, but as on today, no orders are passed by the 1st respondent. The petitioners are not able to enjoy the said lands in view of non-implementation of the proceedings issued by the 2nd respondent dated 30-12-2004 in the light of show cause notice. Aggrieved by the same, the present writ petition has been filed.

3. The 4th respondent-temple filed its counter admitting about passing of compromise decree, but basing on the report of One Man Commission, the Government had issued the show cause notice.

4. Heard Sri E. Madan Mohan Rao, learned Government Pleader for Endowments and Sri D. Sudershan Reddy, learned standing counsel for the 4th respondent-temple.

5. Learned counsel for the petitioners states that let the Government take a decision on the explanation already submitted

by the petitioners. Since the issue is pending before the Government since from 2007 onwards, it is for the 1st respondent to consider the explanation submitted by the petitioners pursuant to the show cause notice dated 12-12-2007.

6. In view of the same, the 1st respondent is directed to consider the explanation given by the petitioner pursuant to the show cause notice dated 12-12-2007 as per law and pass appropriate orders thereon in accordance with law, after affording a reasonable opportunity of hearing to the petitioner and the 4th respondent-temple and to all concerned, as expeditiously as possible preferably within a period of three (3) months from the date of receipt of the order. It is needless to state that the 4th respondent-temple shall take appropriate action basing on the decision of the 1st respondent.

With the above directions, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 07-07-2015

Ksn