

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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Writ Petition No.10853 of 2008

Between:
Sri Venkateswara Swamy Temple,
Bachupeta,
Krishna District.

Petitioner

And

The District Collector and District
Magistrate, Krishna District at
Machilipatnam and
Others.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 19.8.2015

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT

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Writ Petition No.10853 of 2008
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ORDER: (Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Mr. P.R. Prasad, learned counsel for the petitioner; learned Advocate General for the State of Andhra Pradesh for respondent Nos. 1 to 5 and Ms. V. Uma Devi, learned counsel for respondent No.6.

Petitioner-Trust filed this writ petition in 2008 for the following relief:

"Hence in the interests of the Justice, it is prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction(s) essentially in the nature of Writ of Mandamus declaring the action of the Respondents herein in trying to alienate the property of the Petitioner temple of an extent of Acres 53.02 cents forming part of Survey Nos. 74-1, 55, 64, 67-1, 67-2, 68, 69-1, 69-2A, 69-2B, 75-1, 75-2 and 71 situated at Nemmaluru Village, Pamarru Mandal, Krishna District, in favour of the 6th respondent herein as illegal, arbitrary, without jurisdiction and contrary to the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987, and pass any such other Order or Orders as this Hon'ble Court may deem fit, proper in the facts and circumstances of the case."

On last occasion (6.8.2015), learned counsel for the parties sought time to explore the possibility of settlement. Today, learned Advocate General placed on record a letter dated 17.8.2015 of the Collector and District Magistrate, Krishna, Machilipatnam, addressed to him and the statement of Sri Muthevi Ravikant, Chairman and Founder Trustee of the petitioner-Trust (for short "Chairman") recorded in the chamber of Joint Collector, Joint Collector's Camp Office, Vijayawada, dated 14.8.2015, and submitted that the parties have agreed for amicable settlement in terms of the letter dated 17.8.2015 and the statement dated 14.8.2015 of the Chairman.

We have perused both the documents.

Learned counsel appearing for the petitioner also joins the learned Advocate General, who prays for disposal of this writ petition in terms of the statement of the Chairman. The statement of Chairman reads thus:

"In pursuance of the communication of Advocate General, High Court of Andhra Pradesh, Hyderabad vide their Lr. No. 397/2015, dt. 6.8.2015, the Joint Collector, Krishna has convened a meeting at his Camp Office, Vijayawada along with the General manager, Bharat Electronics Ltd., Machilipatnam and his staff, Assistant Commissioner, Endowment, Executive Officer, Batchupeta Venkateswara Swamy Temple, Revenue Divisional Officer, Gudlavada and Tahsildar, Pamaru and myself i.e., M. Ravikanth and negotiated regarding acquisition of Endowment land pertaining to Venkateswara Swamy Temple i.e., an extent of Ac.53.02 cts., in R.S. No. 74/1, 55 etc., in Nimmaluru Village of Pamaru Mandal of Gudlavada Division pursuant to W.P. No. 10853/2008 filed by the Chairman and Founder Trustee of the said temple. During negotiations, the Joint Collector, Krishna has informed that the subject land may be acquired as per the New Land Acquisition Act, since the land is proposed for acquisition to Bharat Electronics Limited (Central Government Organisation) is a public purpose and it is also informed that necessary meeting may be taken up with the other stake holders of the said temple land if any to convince them on this proposal.

In view of the above circumstances, as a Chairman and Founder Trustee of the said temple land, I am in principle willing for sale of the said temple land in favour of Bharath Electronics Limited Authorities, Machilipatnam as per the land compensation as per the above Act and Rules thereon."

The letter dated 17.8.2015, addressed to the learned Advocate General and the statement of the Chairman, are
Thus, we dispose of this writ petition allowing the respondents to acquire the land as stated by the Chairman by following the due procedure contemplated under Act 30/2013, and, subject to payment of compensation as provided therein.

The writ petition is accordingly disposed of.

Consequently, pending miscellaneous applications shall also stand closed. No costs.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

19th August, 2015

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