

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.30396 OF 2015

DATED:7-11-2015

Between:

Ch. Vani ... Petitioner

And

The Assistant Commissioner of Endowments,

Chittoor,

Chittoor District

and others ... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. G. Seena Kumar

COUNSEL FOR RESPONDENT NOs.1, 3, 4 and 5: A.G.P. for Endowments

(AP)

COUNSEL FOR RESPONDENT NO.2 : - Mr. Sreekanth Reddy

Ambati

COUNSEL FOR RESPONDENT NOs.6 to 8: A.G.P. for Revenue (AP)

THE COURT MADE THE FOLLOWING:

ORDER:

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Feeling aggrieved by the inclusion of the land admeasuring Ac.0.63 cents, of which an extent of 300 sq.yards claimed by the petitioner, form part of Sy. No.210, Kattamanchi Village, Chittoor District, in the register maintained under Section 43 of the Andhra Pradesh Charitable and Hindu Religions Institutions and Endowments Act, 1987 (for short, 'the Act'), the petitioner filed this writ petition.

Learned counsel for the petitioner submitted that the necessity for filing this writ

petition has arisen in view of non-functioning of the Andhra Pradesh Endowments Tribunal. In support of the petitioner's plea that the land admeasuring Ac.0.63 cents in Sy.No.210 is a private land and the same does not belong to the Endowments Department she has traced the history of the land which changed hands from the period as far back as 1926. The petitioner has also filed copies of pattadar pass books, and several sale deeds showing that the property is a private land. In addition, the petitioner has also filed 1-B Register of respondent No.2 institution which does not contain the extent of Ac.0.63 cents included in the register maintained under Section 43 of the Act.

After hearing Mr. Srikanth Reddy Ambati, learned counsel for respondent No.2, I am of the opinion that the dispute raised by the petitioner can be resolved if the land is demarcated on ground. The petitioner is therefore permitted to file an application for survey and demarcation of the land before respondent No.8. Within two weeks of making such application, respondent No.8 shall get the survey of the land conducted and demarcated through the Mandal Surveyor, after notice to the petitioner and the Executive Officer of respondent No.2, and communicate the survey report to both the parties. If the survey result shows that the property does not belong to respondent No.2 – temple, both the parties are entitled to take appropriate legal steps in pursuance thereof.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.39303 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

07-11-2015

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