

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

WRIT PETITION NO.19303 OF 2015

DATED:6-7-2015

Between:

Aketi Ramalakshamma

... Petitioner

And

State of Andhra Pradesh
Revenue (Registration) Department
Rep. by its Principal Secretary
A.P. Secretariat
Hyderabad
and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. N. Subba Rao

COUNSEL FOR RESPONDENT NOS:1, 2 and 5: G.P. for Revenue
(AP)

COUNSEL FOR RESPONDENT NOS.3 and 4: G.P. for Endowments
(AP)

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed feeling aggrieved by the action of the respondents in treating the land in Sy.No.687/2 of Chinna Chowk Village, Kadapa Mandal, Kadapa District, as belonging to the Endowments Department, and refusing to entertain the sale deeds for registration.

A perusal of the proceedings sheet shows that on 30.6.2015 this Court while observing that the relief sought in this writ petition is covered by at least three judgments, adjourned the case to enable the learned Government Pleader for Revenue to verify this fact.

Today at the hearing, the learned Assistant Government Pleader for Revenue (AP) reported no instructions.

The petitioner has filed order, dt.20.12.2012, in W.P. No.31851 of 2012, passed by me wherein, while allowing the writ petition, I have held as under:

The sole basis on which respondent No.2 addressed the above mentioned letter to respondent No.4 is the entry in the R.S.R. A perusal of the said document would show that against Sy.Nos.686 and 687, in column No.16, pertaining to the name of pattadar or inamdar or the manager of the Institution, it is mentioned as "Kadasani Seshaiah, Narasayya, Naroddi Gangayya and Trustees of Muttarajupalle Ramaswami Deity". The law is well settled that a mere entry in the R.S.R. does not constitute evidence of title to the property. Even otherwise, the said R.S.R. does not show that the Temple is the pattadar or inamdar. The three individual names referred to above have been mentioned along with their designation as "Trustees of the temple". In my opinion, on the basis of such a cryptic description of the entry in the R.S.R., it cannot be concluded that the subject property is an Endowment property. There is nothing on record to show that the subject property was registered as an Endowment property in the register maintained under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987. The evidence produced by the petitioner, as discussed above, would show that registered transactions have been taking

place in respect of the subject property from 1-1-1974; that the property changed three hands; and that the same was allowed to be enjoyed by private persons, including the petitioner with absolute rights. If the subject property is an Endowment property, there is no reason why respondent Nos.2 and 3 have not recovered possession thereof all these years. Therefore, I do not find any justification in respondent No.4 not receiving the document sought to be presented by the petitioner in respect of the subject property and register the same.

Respondent No.4 is directed to receive the sale deed that may be presented by the petitioner in respect of the subject property and register the same, subject to the latter complying with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899. This order shall not be understood as this Court declaring title of the petitioner in respect of the subject property.

The learned Assistant Government Pleaders appearing for the respective respondents are unable to state whether any appeal has been filed against the above mentioned order. In the absence of any such information furnished by them, it is reasonable to presume that no appeal is filed. As the property in respect of which the present writ petition is filed is also a part of the same survey number, which is covered by Writ Petition No.31851 of 2012, this writ petition is allowed in terms of the said order. The directions and observations contained therein shall form part of this order.

As a sequel to disposal of the writ petition, W.P.M.P. Nos.24960 and 24961 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

6-7-2015

bnr