

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9118 OF 2004

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ORDER:

The case of the petitioner is that his father late M.C.Krishnaiah has purchased an extent of 23 Acres of land situated in Survey No.234 of Trichanur Inam Village, Tirupathi Rural, Chittoor District on 31.12.1940 and was in possession till his death in the year 1963. Thereafter, petitioner's mother was continued in possession of the said land. It is also stated that the said land is originally belonging to Sri Swamy Hathiramjee Mutt of Tirupathi under an Inam title Deed No.464 to an extent of Acs.113.67 ½ cents. Petitioner's father purchased the same from Hathiramjee Mutt, Tirupathi after obtaining due exemption from the operation of the provisions of Madras Hindu Religions Endowments Act, 1927. It is also stated that the land in Sy.No.234 to an extent of Ac.54 has been declared as inam land in an inam village not held by any institution vide orders dated 22.09.1983. While so, on 12.05.2004, the respondents came to the said land and attempted to take possession stating that the said land is a Government Poramboke land. Aggrieved by the same, present writ petition is filed.

The respondents filed counter affidavit stating that the land admeasuring Ac.113.67 ½ cents comprised in S.No.234 of Tiruchanur Village is classified as Pedda Cheruvu in the village accounts of Tiruchanur Village and that in respect of the subject land two orders were passed by the inam Deputy Tahsildar, Chittoor declaring the entire extent of 113.67 ½ cents in S.No.234 as Pedda Cheruvu and the decision was published in the Chittoor District Gazette No.9, dated 03.09.1984, as such the land is tank poramboke brought under Section 2A of the I.A.Act, rightly by the Inams Deputy Tahsildar, Chittoor. Again the same Inam Deputy Tahsildar, Chittoor declared an extent of 54.00 acres in same S.No.234 as Inam Dry and his decision was published in the same Chittoor District Gazette No.9, dated 03.09.84. As the above orders of the Inam

Deputy Tahsildar, Chittoor were inconsistent to one another an appeal was preferred by the Mandal Revenue Officer to the appellate authority i.e. Assistant Collector, Tirupathi. The Asst. Collector Tirupathi has allowed the appeal filed by the Mandal Revenue Officer, Tirupathi Rural and set aside the decision of the Inams Deputy Tahsildar, Chittoor declaring 54.00 Acres as Inam Dry in S.No.234 of Tiruchanur Village vide Proceedings dated 08.06.87. The above order was challenged in WP.No.2661 of 1987 and 7677 of 1987 and the writ petitions were allowed. Upon which WA.No.941 of 1988 and 1070 of 1988 were filed by the Collector, Chittoor and were also allowed on 13.04.1992, directing the Inams Deputy Tahsildar, Chittoor to pass speaking order. Thereafter, the Inams Deputy Tahsildar, Chittoor passed a reasoned order on 11.05.1993 declaring that the land admeasuring total extent of 113.67 ½ in Sy.No.234 as not an inam land but a communal poramboke called Pedda Cheruvu poramboke. The said declaration of land as communal poramboke land was upheld by this Court in WA.No.193 of 1990 dated 09.11.1994. It is also stated that that writ petitioner has no title over the land and prayed to dismiss the writ petition.

Heard Sri S.Sriram, learned counsel for the petitioner, who states that though the respondents have disputed title and possession of the petitioner, the petitioner may be permitted to avail alternative remedy available under law to establish his possession over the property.

Heard Sri G.Seshadri, learned counsel for the 1st respondent.

Since the respondents have disputed the title and possession of the petitioner and since the connected matter in Civil Appeal No.7461/2009 is pending, no relief can be granted in this case. More so, this Court cannot decide the title of the petitioners by going into the disputed questions of fact. As such, I do not find any merits in the writ petition. However, it is open for the petitioners to avail alternative remedies available to him under law.

Accordingly, the writ petition is dismissed. 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

03.06.2015

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