

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

WRIT PETITION NOs.40923 AND 40932 OF 2015

DATED:22-12-2015

W.P. No.40923 of 2015

Between:

Pendyala Veera Raghavulu
and others ... Petitioners

And

The Government of Andhra Pradesh
Rep. by its Principal Secretary
Revenue (Endowments) Department
Secretariat
Secretariat Buildings
Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONERS: Mr. K. Satyanarayana Murthy

COUNSEL FOR RESPONDENT NOs.1 to 5: A.G.P. for Endowments
(AP)

COUNSEL FOR RESPONDENT NO.6 : Smt. K. Lalitha, Standing
Counsel
for Endowment Institutions

W.P. No.40932 of 2015

Between:

Kakarala Vijayalakshmi ... Petitioner

And

Sri Kesava, Venkateswara Swamy Varla Devasthanam
Vakatippa Village
Kapileswarapuram Mandal
East Godavari District
Rep. by its Executive Officer
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. M. Vidyasagar

COUNSEL FOR RESPONDENT NO.1: Smt. K. Lalitha, Standing
Counsel for
Endowment Institutions

COUNSEL FOR RESPONDENT NOs.2 AND 3: A.G.P. for
Endowments (AP)

THE COURT MADE THE FOLLOWING:

COMMON ORDER:

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These two writ petitions have been filed assailing separate but common notices issued by the Executive Officer of respondent No.1 – temple in W.P. No.40932 of 2015 (hereinafter called, ‘the temple’) calling upon the petitioners to vacate the lands in their occupation in Sy. Nos.258/2, 298/2 etc., of Vakattippa Village, Kapileswarapuram Mandal, East Godavari District, by paying certain amounts towards the alleged arrears of damage for illegal occupation, as illegal and arbitrary.

When these writ petitions came up for admission on 17.12.2015, Smt. K. Lalitha, learned Standing Counsel for Endowment Institutions (AP) appearing for the temple, requested for an adjournment for filing an appropriate affidavit to the effect that the possession of the lands in question will be handed over back to the petitioners to enable them to avail appropriate remedy. Today, at the hearing, the learned Standing Counsel submitted that since possession on paper has been taken, this Court may pass appropriate orders to protect the interests of both the parties.

Inasmuch as the petitioners have been asserting their rights over the lands on the basis of registered sale deeds and also records of rights, such as 1-B Register, pattadar passbooks and title deeds, the summary eviction of the petitioners from the lands without following the procedure under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, cannot be sustained. However, if the petitioners are asserting their rights over the lands, they are also entitled to approach the Andhra Pradesh

Endowments Tribunal for a declaration that the lands claimed by the temple are private lands and not endowment lands. As the petitioners are stated to have been dispossessed without following due process of law, the authorities of the temple are directed not to interfere with the physical possession of the petitioners, till such time, at least for two months, after constitution of the Andhra Pradesh Endowments Tribunal. Immediately after constitution of the Endowments Tribunal, the petitioners are entitled to approach the said Tribunal by availing an appropriate remedy and also seek interim protection of their possession till the disposal of the proceedings by the Tribunal.

Subject to the above directions, the writ petitions are disposed of.

As a sequel to disposal of the writ petitions, W.P.M.P. No.52835 of 2015 in W.P.No.40923 of 2015 and W.P.M.P. No.52844 of 2015 in W.P. No.40932 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

22-12-2015

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