

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.20146 of 2015

Dated : 03.07.2015

Between:

T. Jithendra Prasad S/o.Sathyanarayana Swamy,
Aged 42 yrs, Occu : Employee in Sri Kondagattu
Anjaneya Swamy Devasthanam,
R/o.Sri Anjaneya Swami Devasthanam Temple premises,
Kondagattu, Karimnagar District,
Telangana State & 11 others

.. Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad & 4 others

.. Respondents

This Court made the following :

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ORDER :

The petitioners contend that the Government allotted them Ac.0.08 guntas of land in Sy.No.362, Muthyampet Village, Kondagattu, Malyal Mandal, Karimnagar District, which was intended for use as a burial ground since 300 years ago and about 80 to 90 thirupallies of petitioners community people were placed. While so, recently, the Anjaneya Swamy Devasthanam, Kondagattu (3rd respondent) started development work for construction of building encroaching into the Ac.0.08 guntas allotted to the petitioners, necessitating institution of this Writ petition.

2. According to learned counsel for the petitioners, Ac.0.08 guntas having allotted to them, as early as in the year 1976, the Devasthanam has no authority to encroach into the land so allotted and disturb the thirupallies already placed therein, which would affect their sentiments. In support of his contention, learned counsel relied upon the proceedings of the Tahsildar, dated 01.01.1976 and 16.08.1976 and the consequential order of the Revenue Divisional Officer dated 22.07.1976.

3. Learned Standing counsel, on instructions, submits that Ac.20.00 of land in Survey No.362 of Muthyampet Village, originally belonged to one Kasuganti Narayana Rao and he has donated this land to the temple. Accordingly, the same is recorded in the revenue records as well as in the registers maintained by the temple. Subsequently, the Revenue authorities have also issued pattedar pass book. In so far as this extent of land the survey number is re-classified as 362/2. He therefore submits that this piece of land belongs to the temple and therefore, the temple is entitled to undertake development of land for providing better amenities to the pilgrims.

4. Learned counsel for the petitioner on the contrary contends that neither the temple nor the petitioners are aware of the total extent of land in Survey No.362. There may be more extent of land than Ac.20.00 and some extent of the land belongs to the Government which was validly allotted to the petitioners.

5. As seen from the original record produced by the learned Standing counsel, Ac.20.00 was dedicated to the temple by the original pattedar in Survey No.362 which is now renumbered as 362/2 and therefore, the temple is undertaking the development activity in the said extent of land. The material papers filed along with the writ petition would disclose that the petitioners applied for mutation in the revenue records on 22.11.1984. In

pursuant to the same the office of the District Collector, Karimnagar, requested the petitioners to furnish the originals of the relevant documents in support of their claim. It appears that some documents were furnished on 21.05.1985. However, it is not clear whether the originals as requested were submitted and apparently no mutation as requested by the petitioners was carried out. Thus, if the petitioners claim that this piece of land which is allotted to them, it is for them to establish by availing appropriate remedies as available in law. When there is serious dispute on the issue of title, extent of land as well as boundaries owned by each of the parties, in exercise of power of judicial review under Article 226 of the Constitution of India, this Court cannot adjudicate the issue. The petitioners have to avail appropriate civil remedies as warranted by law. The petitioners have to establish by due process of law that the development activity taken up by the temple is in the land allotted to them by the revenue authorities as early as in the year 1976 and such allotment was validly made.

6. Thus, leaving it open to the petitioners to work out their remedies, this writ petition is dismissed. However as seen from the photographs filed along with the writ petition at Page No.23 in the middle photograph, it appears that there was boundary wall already constructed around the existing tirupallies and according to the learned counsel for the petitioners, it is approximately 0.03 guntas. The extent of land as shown in the middle photograph at Page No.23 covered by small wall shall not be disturbed by the temple authorities for a period of four weeks and in the meantime, the petitioners have to approach the revenue authorities or avail appropriate remedies as available in law to establish that the extent of land claimed by them belongs to them. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

03rd July, 2015
Rds

P.NAVEEN RAO,J