

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.35603 of 2015

Dated 04.11.2015

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Between:

Smt.Sarojamma and 2 others

... Petitioners

and

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The State of Telangana

rep. by its Prl.Secretary

Endowment Dept.,

Hyderabad and 7 others.

...Respondents

Counsel for the petitioners: Mr.Gone Ramesh

Counsel for respondents 1 to 4: AGP for Endowments (TS)

Counsel for respondent Nos.5 to 8: AGP for Revenue (TS)

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to declare the action of respondent No.3, in filing an application *vide* Rc.No.C/1046/2014, dated 30-06-2014, before respondent No.7 for grant of Occupancy Rights Certificate (ORC) in respect of Acs.12-02 guntas in Survey No.393 and Ac.1-06 guntas in Survey No.394/1 of Sasanool Village of Itikyala Mandal, Mahabubnagar District, as illegal and arbitrary. The petitioner sought for setting aside the said proceeding and notice, dated 05-01-2015, issued by respondent No.8.

I have heard the learned Counsel for the petitioners and perused the record.

Though not in form, in substance, this Writ Petition is in the form of a Writ of Prohibition to prohibit respondent No.7 from proceeding with the ORC proceedings initiated at the instance of respondent No.3. The pleadings raised by the petitioners would show that there is a serious dispute regarding title of the above lands between the petitioners on the one side and Sri Bachupalli Anjaneyaswamy Devasthanam on the other side. On behalf of the said Devasthanam, respondent No.6 has filed an application for grant of ORC under the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 and in pursuance thereof, respondent No.7 has initiated the ORC proceedings and issued the impugned notice to the petitioners.

The learned Counsel for the petitioners submitted that his clients have submitted their objections to the said notice and that, so far, no order has been passed.

In my opinion, if the lands belong to the above-mentioned Devasthanam, respondent No.3 is entitled to make an application under the Act for grant of ORC and it is well within the rights of the petitioners to oppose such application. Equally, it cannot be said that respondent No.7 lacks inherent jurisdiction to initiate proceedings for grant of ORC on the application of respondent No.3. Therefore, no Mandamus can be issued to invalidate the application filed by respondent No.3 before respondent No.7 for grant of ORC.

In this view of the matter, the Writ Petition is wholly misconceived and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.45740 of 2015, filed by the petitioner for interim order, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 4th November, 2015

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