

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9960 of 2015

ORDER:

On behalf of Sri Laxmi Venkateswara Swamy Temple represented by its Executive Officer, the present writ petition is filed seeking Writ of Mandamus declaring the action of the second respondent in not issuing the Occupancy Right Certificate in Form No.III with respect to the lands belonging to the petitioner temple admeasuring Ac.2-13 Guntas and Ac.2-08 guntas in Sy.Nos.346 and 341 respectively of Maldakal village, Mahaboobnagar District as illegal and arbitrary and consequently direct the second respondent to issue Occupancy Right Certificate.

2. The averments in the writ affidavit are to the effect that petitioner temple has got vast properties and lands admeasuring Ac.2-13 Guntas and Ac.2-08 guntas in Sy.Nos.346 and 341 respectively of Maldakal village, Mahaboobnagar District are Balwatha Inam lands issued by the Assistant Commissioner of Endowments Department. The aforesaid lands were given as service inams and one Mallaiah and after Mallaiah, Chinna Basaiah was rendering service and enjoying the land. Chinna Basaiah sold the lands through unregistered sale deed to one Smt.Veeramma, who obtained pattedar pass book in her name misrepresenting before the respondent authorities and got her name mutated in the revenue records. The petitioner temple had filed an appeal in file No.C/1039/2009 and the same was allowed by the second respondent by order, dated 21-11-2012 holding that the petitioner temple is entitled for Occupancy Right Certificate. The Assistant Commissioner, Endowments Department by proceedings, dated 09-01-2014 requested the 2nd respondent for issuance of Occupancy Right Certificate. Now, the grievance of the petitioner temple is that the 2nd respondent is not issuing the Occupancy Right Certificate to the petitioner temple.

3. Heard Sri R.V. Nagabhushana Rao, learned counsel for the petitioner and learned Government Pleader for Revenue.

4. The material on record discloses the entitlement of the petitioner temple for grant of Occupancy Right Certificate and the same is evident from the proceedings No.C/1039/2009, dated 21-11-2012 of the R.D.O. Now, what all sought to be is only implementation of proceedings, dated 21-11-2012 by recognizing the temple as the occupant and grant of Occupancy Right Certificate. On behalf of the petitioner temple, the Assistant Commissioner, Endowments Department also addressed a letter to the second respondent on 09-01-2014.

5. In these circumstances, the second respondent is directed to take necessary steps on the letter of the Endowment Department, dated 09-01-2014, complete the formalities required to recognize the petitioner temple as the occupant and grant necessary certificate in Form No.III. The said exercise shall be completed within a period of eight (8) weeks from today.

6. With the above direction, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

April 09, 2015

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