

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.5522 of 2016

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Between:

Smt. Pepakayala Padma Kumari

PETITIONER

AND

1. The State of AP.P., rep. by its Principal Secretary, Charitable and Hindu Religious Institutions and Endowments Department, Secretariat Buildings, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed challenging the notice issued by the 4th respondent to the petitioner directing her to handover the land admeasuring Ac.1.84 cents situated in Sy.No.358/1 and Ac.1.16 cents in Sy.No.358/2, belonging to Sri Sri Sri Agastheswara Swamy Vari Devasthanam, of Pullugurtha Village, Anaparthi Mandal, East Godavari District, since the Temple is the owner as per A-1 Register, but however, as per the Revenue Records the petitioner is the owner of the land.

Learned counsel for the petitioner submits that the Executive Officer is not authorized to issue notice. Further, the petitioner is in possession and enjoyment of the property having purchased the same from Yetla Venkata Subba Rao, S/o.Subba Rao and Maddipati Satya Vani, W/o. Maddipati Bhaskar Rao, respectively under registered sale deed bearing No.1051/2006 dated 03.06.2006 registered with Anaparthi Sub-Registrar Office and the Vendors of the petitioner purchased the said land from Sri Parvathini Rama Rao under registered sale deed bearing No.1249/1992, dated 07.05.1992 and Sri Karri Eswara Reddy and others under registered sale deed 1101/1983, respectively registered with Ramachandrapuram Sub-Registrar Officer, East Godavari District.

Heard learned counsel for the petitioner and Smt. K. Lalitha, learned Standing Counsel for 4th respondent-temple.

Admittedly, there is a dispute with regard to title of the land. The claim of the Executive Officer was that as per A-1 Register, the property is belonging to the temple. But against the same property the petitioner, prima facie, has a valid title on account of registered sale deed executed in his favour.

In view of the same, if the 4th respondent is of the opinion that the petitioner is an encroacher, he is at liberty take necessary steps as enshrined in Chapter 11 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987.

In view of the same, without expressing any opinion on merits, in view of the prima facie material placed before this Court and in the light of the fact that the petitioner is in possession and enjoyment of the property as on today, this writ petition is disposed of leaving it open to the 4th respondent to take appropriate steps to protect the rights of the temple. It is needless to mention that till the 4th respondent takes a decision the petitioner's possession and enjoyment shall not be interfered with except by following due process of law.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

22nd February, 2016
Js.