

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 10519 of 2016

ORDER:

- 1) Heard learned counsel for the petitioners, learned Government Pleader for Revenue and Smt. K.Lalitha, learned Standing Counsel for Endowments. With the consent of all the parties, the Writ Petition is being taken up for hearing at the admission stage itself.
- 2) The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the action of the first respondent in issuing G.O.Ms.No.224 Revenue (Endts.II) Department, dated 25.06.2015, canceling G.O.Ms.No.189, dated 27.02.2013, as illegal, arbitrary and violative of principles of natural justice.
- 3) The facts in issue are as under:
- 4) The petitioners are owners and possessors of plots ranging from 200 to 500 square yards covered by Sy.Nos.289/ P, 290/ P and 291/ P situated at Adivivaram Village, Visakhapatnam District, having purchased the same through registered sale deed. It is further averred that the land in question was an inam land belonging to respondent No.4 temple and the Government issued G.O.Ms.No.189, dated 27.02.1993 basing on the report of respondent No.3, whereby the Government after careful consideration of the matter and in exercise of powers conferred under Section 75 of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act accorded permission to the Executive Officer of respondent No.4

temple for conveyance of rights in respect of Inam Land. While things stood thus, the Government issued G.O.Ms.No.578, dated 19.08.2000 directing the parties to get the lands regularized by showing the persons in possession of the property as encroachers. Questioning the said G.O. the petitioners along with others filed W.P.No.1109 of 2003. Subsequently, the government issued the impugned G.O. canceling G.O.Ms.No.189, dated 27.02.1993 issued in favour of the petitioners, wherein the Government accorded permission to the Executive Officer of respondent No.4 temple for conveyance of the Melivaram rights in respect of Inam Land admeasuring Ac.13.50 cents in Sy.Nos.289/ P, 290/ P and 291/ P situated in Adivivaram Village, Visakhapatnam District. Challenging the same the present writ petition came to be filed.

5) Learned counsel for the respondent No.4 temple submits that the matter is covered by a judgment of this Court in W.P.NO.19502 of 2015, wherein the impugned G.O. vide G.O.Ms.No.224 Revenue (Endts.II) Department, dated 25.06.2015 was set aside.

6) In W.P.No.19502 of 2015, this Court held as under:

“Since the impugned G.O. came to be issued violating the principles of natural justice and as the petitioner would be put to great hardship by virtue of the subsequent G.O., the Writ Petition is allowed setting aside G.O.Ms.No.224 Revenue (Endts.II) Department, dated 25.06.2015.”

7) In view of the orders passed by this Court, the present writ petition is allowed setting aside the G.O.Ms.No.224, Revenue (Endts.II) Department, dated 25.06.2016 which came to be passed canceling the earlier G.O.Ms.No.189, dated 27.02.1993. However,

the respondents-authorities are always at liberty to initiate fresh proceedings in accordance with law.

8) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

---

JUSTICE C. PRAVEEN KUMAR

01.12.2016

gkv

