

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No:2531 OF 2017

ORDER:

1. This writ petition is filed by the petitioners seeking to direct the 2nd respondent to consider the recommendations made by the 3rd respondent for deletion of the classification of the lands admeasuring Ac.1.73 cents in Sy.No.687/2 of Chinnachowk Revenue Village, Kadapa Mandal, Y.S.R.District, as endowment property in the list communicated by respondents Nos.2 and 3.

2. Brief facts of the case are as follows:

The petitioners Nos.1 and 2 purchased the house property in an extent of Ac.0.10 cents out of Ac.1.73 cents, bearing door No.1/223-2, 1/223-3 situated at Nehru Nagar, Chinnachowk village, Kadapa Mandal. The 3rd petitioner purchased the house property bearing door No.36/226-21-1 situated in the very same survey number. The 4th petitioner purchased the house property bearing door No.36/226-14 situated in an extent of Ac.0.02 ½ cents out of Ac.0.05 cents out of Ac.1.73 cents in Sy.No.687/2 of Srinivas Nagar, Nehru Nagar, Chinna Chowk village fields, Kadapa city . The 5th petitioner also purchased house site in the same survey number. While so, when the petitioners approached the 5th respondent regarding to the sale transaction of the subject house property and presented the documents for registration, he refused to entertain the sale deeds for registration of subject house property stating that as per the list communicated by respondents Nos.2 and 3, the subject house property is classified as endowment property basing on RSR entries. Then the petitioner No.4 filed W.P.No.31851 of 2012. The said writ petition was

allowed holding that the subject house property cannot at all be treated as endowment property basing on mere entry in RSR. Then, the other petitioners also filed W.P.No.39481 of 2012 and the same was also disposed of in terms of the order in W.P.No.31851 of 2012. The said orders attained finality. Subsequently, the respondents Nos.3 and 4 sent annexure III under Section 22-A(1) (c) of the Indian Registration Act to the 5th respondent to the effect that the subject house properties belong to Muttarajupalli Sri Rama Swamy Diety as per R.S.R. Basing on that annexure, the 5th respondent is not entertaining the sale deeds for registration of the subject property. Under those circumstances, the petitioners filed W.P.No.7237 of 2016 seeking to declare the action of the 3rd respondent in including the subject house properties in the list of Endowment lands through Annexure III without there being any basis. The petitioners also submitted a representation dated 3.11.2016 to the 3rd respondent about the wrong inclusion of the subject properties in the endowment list communicated by respondents Nos.2 & 3. The 3rd respondent after considering the said representation communicated the proceedings dated 1.6.2016 to the 2nd respondent bringing to his notice about the wrong inclusion of the subject properties in the list communicated by them and requesting him to take appropriate action for removal of the house property from the endowment list. But the 2nd respondent has not taken any action so far. Hence, the petitioners filed this writ petition.

3. Heard and perused the material available on record.

4. It is brought to the notice of this Court that on the representation made by the petitioners, the 3rd respondent-Assistant Commissioner, Endowments Department, Kadapa, Y.S.R. District addressed a letter to the

2nd respondent-Commissioner requesting him for deletion of the classification of the subject house properties from the list communicated by them. But the 2nd respondent has not passed any orders so far.

5. Considering the circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, this Court is inclined to pass the following order:

“The 2nd respondent is directed to consider the recommendations made by the 3rd respondent through his proceedings dated 1.6.2016 and pass appropriate orders, within a period of three months from the date of receipt of a copy of this order.”

6. Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Date: 15th June, 2017
Nn.



Justice Raja Elango

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15.06.2017

Nn.