

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.14687 2017

ORDER:

This writ petition is filed by the petitioners, *inter alia*, claiming that they are the owners of lands to an extent of Ac.1-20 guntas in Survey No.533/A (533/A4&5) of Hanmakonda Village and Mandal; and, challenging the orders, dated 02.11.2016 of the Commissioner, Endowments, Hyderabad, whereby their request for deletion of their property from the register of endowments and for grant of no objection certificate was rejected and they were advised to approach the Endowment Tribunal for redressal of their grievance.

Their case and further submissions are as follows: "The said property is their own private property. But, it is erroneously being treated as an endowed property. Solely on the ground that it is an endowed property, the sub-registrar concerned is not entertaining documents related to the said property for registration. Therefore, the property is to be deleted from the register of Endowments by recognizing it as the property of the petitioners. In that view of the matter, the petitioners already submitted a representation, dated 20.06.2016. But the same was erroneously rejected by the Commissioner of Endowments by referring to the ratio in the Full Bench Judgment of this court. Therefore, the petitioners are constrained to file this writ petition for a direction to issue a no objection certificate for registration of the said agricultural lands by the Sub-Registrar concerned on presentation of appropriate document for registration and for a consequential direction to receive the proposed sale deed and process the same as per law.

2. Be that as it may, a perusal of the impugned order of the Commissioner of Endowments, Hyderabad, would show that the petitioners are requested to approach the Endowments Tribunal for appropriate relief.

3. Learned counsel for the petitioners, while reiterating the facts and the case of the petitioners, submits that the disposal of a petition before the Tribunal takes a long time and that because of the wrong entry in the Endowments Register, the petitioners are being put to lot of hardship for no fault of theirs and hence, for securing an efficacious remedy, the present writ petition is filed.

4. Learned Government Pleader for Endowments submits that as per law, the petitioners are required to first approach the Endowments Tribunal and exhaust the efficacious alternative remedy available to them before approaching this Court for a relief.

5. In reply, the learned counsel for the petitioners would submit that the writ petition may be disposed of reserving liberty to the petitioners to file an appropriate petition before the Endowments Tribunal for seeking appropriate reliefs, which the law permits.

6. Recording the submissions, the writ petition is disposed of, however, with consent of both sides giving liberty to the petitioners to file, within a reasonable time, an appropriate petition before the Endowments Tribunal for appropriate reliefs, which the law permits. It is made clear that if any such petition comes to be filed by the petitioners, the learned Chairman, Endowments Tribunal shall endeavour to dispose of the same in strict accordance with

the procedure established by law, nevertheless, as expeditiously as possible and preferably within four months from the date of filing of such petition.

Pending miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.

JUSTICE M. SEETHARAMA MURTI

April 24, 2016
LMV

