

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7493 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“questioning the action Respondents more particularly Respondent No.2 in not considering the Representation Dated 03.05.2016 submitted by the Petitioner which was taken on record with File No.C/4148/2016 wherein he requested to issue NO OBJECTION CERTIFICATE in respect of patta land admeasuring Ac.12.15 Gts in Sy.No.377/A and Ac.5.37 Gts in Sy.No.378/A together admeasuring Ac.18.12 Gts, situated at Peddamangalaram Village, Moinabad Mandal, Ranga Reddy District which is Subject Property by deleting the same in the Register of Endowments Department as endowed property of Respondent No.4 Sri Hanuman Temple, Peddamangalaram Village, Moinabad Mandal, Ranga Reddy District is illegal, arbitrary, unjust and also in violation of provisions of Registration Act and Endowments Act and consequently direct the Respondent No.2 to delete the Subject Property in the Register of Endowments Department as endowed property of Respondent No.4 thereby to unroll from the restriction under Section 22 (A) (1) (c) of Registration (A.P.Amendments) Act, 2007.”

2. It is the case of the petitioner that he is the absolute owner and possessor of aforesaid land. After demise of his father, he acquired the subject property along with several other properties from his ancestors by way of succession. The petitioner and his elder brother had entered into oral partition of all ancestral properties including the subject property. The petitioner made an application before the Revenue authorities for effecting required mutations. After conducting due enquiry, the Revenue Authorities passed an order by mutating the name of the petitioner in respect of the subject property. In pursuance of mutation, the Revenue

authorities also issued pattadar pass book and title deed and assigned patta No.755 to the petitioner in respect of the subject property. Since the date of acquisition of subject property, the petitioner is in peaceful possession and enjoyment of the same.

During the life time of his father, himself and his elder brother made declarations before the Agricultural Land Ceiling Authority with C.C.No.1743/Ch/1975, 1742/Ch/1975 and 1740/Ch/1975 declaring that all patta lands including the subject property as their holding. The Land Reforms Tribunal also passed order, dated 29.09.1977, declaring that the lands belong to the petitioner and his brother are within the ceiling limit. While so, when the petitioner intends to gift the subject property for the welfare of his children, he approached the Sub-Registrar, Chevella in the month of February, 2015 and presented the document for registration. But, the Registrar refused to register the same contending the subject property fall under Section 22 (A) (1) (c) of the Registration (A.P.Amendments) Act, 2007 and the same is claimed by the Endowments Department. Thereafter, the petitioner approached respondent No.3 and made an application on 12.03.2015 requesting him to issue No Objection Certificate in respect of the subject property. The 3rd respondent issued letter, dated 17.03.2015, stating that he has no jurisdiction to issue No Objection Certificate and advised him to approach the 2nd respondent, being the competent authority. Thereafter, the petitioner made representation on 08.01.2016 to the Hon'ble Minister for Endowments seeking a direction to respondent No.2 to issue No Objection Certificate in respect of the subject property as

it is a patta land. Despite acknowledging the said representation, there was no response from respondent No.2. Though the petitioner is in possession of the subject property, without issuing any notice, respondent Nos.1 to 3 have entered the subject property in the Register as it belongs to respondent No.4 temple. In view of the letter, dated 17.03.2015, of the respondent No.3 wherein it is stated that the subject property is endowed property of respondent No.4 and entered in the proforma under Section 22 (A) (1) (c) of Registration (A.P Amendments) Act, 2007, the petitioner unable to convey the subject property in favour of his children. Thereafter, the petitioner made a representation on 03.5.2016 to respondent No.2 requesting to issue No Objection Certificate by deleting the subject property as Endowed property of respondent No.4. The said representation was received by respondent No.2, but neither responded to it nor passed any order till today. Hence, the Writ Petition.

3. Learned counsel for the petitioner submits that the petitioner is owner and possessor of subject property and he was also issued pattadar pass books by the Revenue authorities; that he also submitted a representation, dated 03.05.2016 to respondent No.2, but till date no orders are passed thereon.

4. Learned Government Pleader, on instructions, submits that the lands, in which the petitioner claimed right over it, are entered in the Book of Endowment in terms of the Act as they belong to respondent No.4 temple. He further submits that a communication was also sent to the Commissioner through the Sub Registrar,

Shankarpally, informing that the list of lands specifically mentioned in the Book of Endowment belong to the 4th respondent temple. As on date, it is not clear that whether any notification was issued as required under the Act. Considering the law laid down by the Full Bench of this Court, the interest of justice would be served, if the petitioner approaches appropriate authority seeking for proper information in relation to the notification. Therefore, liberty is given to the petitioner to file an application under Right to Information Act and obtain the information. After receipt of the information, the petitioner shall approach the concerned competent authority.

5. Subject to the above observation, the Writ Petition is closed.

Miscellaneous petitions pending, if any, shall stand closed.

No order as to costs.

CHALLA KODANDA RAM, J

MARCH 13, 2017

YVL

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM



WRIT PETITION No.7493 OF 2017

Date: 13.03.2017

YVL