

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.46182 of 2016

ORDER:

This Writ Petition is filed seeking the following relief:

“...to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceeding No.NN1/34576/2007, dt.03.12.2008 issued by the respondent No.2 wherein the petitioner's patta land situated in survey No.243 at Mavidala Village, Mulugu Mandal, Medak district is wrongly included which is apparently a typographical error as null, void and unconstitutional more particularly in violation of Article 14 and 300-A of Constitution of India and consequently direct the respondent to carry out necessary correction by deleting the patta land in Survey No.243 belonging to the petitioner from the letter No.NN1/34576/2007, dt.03.12.2008 and issue necessary proceedings forthwith else the petitioner will be put to irreparable loss and hardship.”

It is the case of the petitioner that having purchased the land of an extent of Ac. 2-32 gunds situated in Sy.No.243/u of Mavidala village, Mulugu Mandal, Medak District, she is in possession and enjoyment of the same and obtained pattadar passbook and title deed in her favour. While the things stood thus, the respondent authorities issued impugned letter dated 03.12.2008 stating that the subject property belongs to the Endowments Department and directed the Sub-Registrar, Gajwel not to register the properties mentioned therein without specific permission of the Commissioner. It is her further case that the survey number belonging to her patta land was wrongly included in the prohibited list, instead of Survey No.343, which evidently appears to be a typographical error. Therefore, she approached the authorities and submitted a representation dt.02.11.2016 stating

that the land situated in Sy.No.243 is a patta land and not an endowed property and requested to carry out necessary corrections in the said proceedings. But, till date no action has been taken by the respondent authorities to correct the said typographical mistake. Hence, the present Writ Petition.

A counter affidavit has been filed by the 3rd respondent- Assistant Commissioner of Endowments, Siddipet District, specifically stating that –

“Para No.5: In reply to averments made in para No.5, 6 and 7, it is submitted that the Commissioner, Endowments Department, Hyderabad has not acted on the representation dt.02.11.2016 submitted by the petitioner is false and ill conceived. In fact the Commissioner, Endowments Department, Hyderabad, the 2nd respondent herein has sought the report of the Assistant Commissioner, Endowments Department, Medak at Sangareddy in whose jurisdiction the temple falls vide letter in Rc.No.C1/11587/2016, dt.10.01.2017. It is submitted that aftermath the judgment of the Hon’ble High Court in W.A.No.343/2015, W.A.No.232/2012 and W.A.No.353/2013, dt.23.12.2015 the Commissioner, Endowment Department, Hyderabad, the 2nd respondent herein has furnished a fresh list of landed properties belonging to Charitable and Religious Institutions of Telangana State to the Commissioner and Inspector General of Registration & Stamps, Telangana State in his Lr.No.C1/10094/2014, dt.06.07.2016 for Prohibition of Registration U/s. 22A(i)(c) of the Registration Act, 1908 along with the copies of the 43 Register, 38 Register Muntaqab which are meant for registration of Charitable and Religious Institution as per the Endowments Act 30 of 1987 and Kitab-UI-Wakf (Muntaqab). Evidently the Survey No.243 situated at Mamidyala (V), Mulugu (M), Siddipet claimed by the petitioner in the instant case does not find in the recent list.”

In other words, the respondent authorities have already taken necessary steps to remove the anomaly and mistakes crept in earlier by deleting the Survey No.243 from the prohibited list. This aspect of the matter stands confirmed from the Market Value Assistance. This is also evident from the list of prohibited property details furnished by the Sub-Registrar's Office, Gadwal, in response to the Request No.430/2017 on 17.02.2017, wherein Sy.No.343, over an extent of 11.07 cents, was recorded as 'Endowment Land', vide Gazette Notification dated 26.10.2014.

In those circumstances, the Writ Petition is closed as no further orders are necessary. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall also stand dismissed.

Date:19.04.2017
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CHALLA KODANDA RAM, J.

