

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WV.MP.No.4791 of 2017

in/and

WRIT PETITION No.24859 of 2010

COMMON ORDER:

Parties will be referred to as per their array in the Writ Petition.

2. Petitioner has filed this Writ Petition challenging the action of the of the 1st respondent in issuing pattadar pass book and title deed in favour of 3rd respondent in respect of the subject land without issuing any notice to the petitioner.

3. Petitioner contends that his father had purchased the subject land under registered sale deed dt.25.02.1970 and since then he had been in possession and enjoyment, that the pahanies for the year 2008-09 also show petitioner's name as possessor, and that without issuing any notice to him, the 1st respondent mutated the name of the 3rd respondent as owner and possessor of the subject land and issued pattadar pass book and title deed to the 3rd respondent.

4. In counter of Assistant Commissioner of Endowments(4th respondent) and that of Tahsildar, Kattangur Mandal(1st respondent) though it is stated that the subject land is inam land, it is not asserted that any patta has been granted to 3rd respondent under the provisions of A.P. (Andhra Area) Abolition of Inams Act, 1955. It is contended

that the petitioner's vendor is only a priest in the 3rd respondent-Temple and could not have alienated the subject land.

5. In the absence of patta being granted to 3rd respondent-Temple under A.P. (Telangana Area) Abolition of Inams Act, 1955, the 3rd respondent-Temple cannot claim title to the land. Also 1st respondent had no jurisdiction to decide title to the property under any law and he could not have mutated name of 3rd respondent or issued pattadar pass book and title deed to it by deleting name of petitioner without notice to him.

6. On 05.10.2010 this Court directed that petitioner shall not be dispossessed from the subject land.

7. WV.MP.No.4791 of 2017 is filed by three persons who have been impleaded in the Writ Petition on the ground that they are village elders and members of a Temple Development Committee contending that the land belongs to them.

8. Not a scrap of paper is filed by the vacate stay petitioners to establish this fact that the land is the property of the 3rd respondent-Temple. Therefore, they cannot be allowed to interfere with the possession of the petitioner over the subject land.

9. The mutation as well as issuance of pattadar pass book and title deed issued in favour of the 3rd respondent by the 1st respondent in the revenue records in respect of the subject land are therefore set aside as being violative of principles of natural justice and the respondents 3 to 8 are granted liberty to approach the competent forum for declaration of right, title and interest of the 3rd respondent in the subject land and none of the respondents shall interfere with the possession and enjoyment of the petitioner over the subject land, till the 3rd respondent establishes its title in a proper forum and takes action against the petitioner to evict him by following due process of law.

10. Therefore, the Writ Petition is allowed with costs of Rs.2,000/- to be paid by the 1st respondent to the petitioner within four (04) weeks from today. Consequently, WV.MP.No.4791 of 2017 is dismissed.

11. Miscellaneous petitions pending, if any, shall stand closed.

M.S.RAMACHANDRA RAO, J

14th December, 2017.

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