

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.21084 OF 2017

ORDER:

The case of the petitioners is that they are the absolute owners and possessors of agricultural land admeasuring Ac.23.25 cents and Ac.15.90 cents respectively covered by Sy Nos 173 and 538 of Ramanayapalem Revenue Village and Ac.15.10 cents in Sy.No.676 of Cherukuru Revenue Village in Parchuru Mandal of Prakasam District. Respondents 5 and 6 temple authorities contemplated to evict the petitioners and their forefathers and accordingly initiated proceedings before Deputy Tahsildar for Inams, Bapthla, who ordered for sanction of pattas in favour of Service Holders. Assailing the said order, the 5th respondent-temple filed revision before this Court in CRP.Nos 861 and 862 of 1961 and this Court dismissed the same by order dated 13-09-1965 holding that pattas should be granted to the Service Holders and not to the deity. Accordingly, ryotwari pattas have been granted under the provisions of Section 4 of Andhra Inams (Abolition and Conversion into Ryotwari) Act, 1956 to an extent of Ac.15-10 cents in Sy.No.676 of Cherukuru Village in favour of Valluri Sivaiah and others jointly, Ac.15-90 cents in Sy.No.538 of Ramnayyapalem Village in favour of Temple Drum workers Valluri Sivaiah and others and to an extent of Ac.23-25 cents in

Sy.No.173 of Ramanayyapalem Village in favour of Valluri Sivaiah and others. The petitioners have been extending drum service to the deity, in consideration of lands which have been provided to them. The petitioners are successors of original pattadars and they are cultivating the same and eking out their livelihood by succeeding to the said lands of their ancestors. It is further stated that the 3rd respondent issued notice on 18-04-2016 calling for explanation of the petitioners as to why they should not repossess the subject lands alleging that the petitioners are not rendering Drum service despite repeated reminders. The petitioners states that they submitted explanation duly submitting the factual position. But without passing any orders, the respondents wanted to conduct auction. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioners submits that though the petitioners were granted ryotwari pattas and they became the owners of the subject lands, but still the respondents are going ahead with the auction.

On the other hand, A.Srikanth Reddy, learned Standing Counsel for Endowments submits that by virtue of Act 16 of 2013 all ryotwari pattas stands null and void and the petitioners are no more owners and they have not

submitted any explanation to the notice issued and they are not at all rendering any service to the temple.

Now, it is to be seen that the petitioners specifically alleged in the writ affidavit that they have submitted explanation to the notice 18-04-2016, but the respondents have not passed any orders. In that back ground, the competent authority is to consider the explanations filed by the petitioners in response to the show-cause notice dated 18-04-2016 and pass appropriate orders in accordance with law within a period of one week from the date of receipt of a copy of this order. Till passing of such orders, there shall be stay of finalization of auction. But however, auction shall go on. If the petitioners have not filed explanation to the notice dated 18-04-2016, it is open for the respondents to proceed with the finalization of auction.

Accordingly, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

07-07-2017

Note:

Issue C.C. today.

B/o.

Nvl



