

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.38427 of 2013

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings in Lr.in Rc.No.NN1/ 34576/ 2007-27 dt.19.11.2008 issued by the 2nd respondent as illegal, arbitrary and without application of mind and violation of Article 300A of the Constitution of India and consequently direct the 2nd respondent to delete land Admeasuring Ac.1.02cents in Sy.No.38 of Surayapalem (Gollapudi) Village, Vijayawada Rural, Krishna District from the Prohibitory Register as it is a Patta Land and allow the petitioner to sell and register the land in favour of third parties and to pass such other order or orders...”

2. I have heard the submissions of Sri N.Narasimha Rao, learned counsel for the petitioner, and of the learned Government Pleader for Endowments (A.P.) representing the respondents 1 to 3. I have perused the material record.

3. The learned counsel for the petitioner, while reiterating the pleadings in the writ petition, would submit that the subject property is a private patta land and it is not the endowed land and that a wrong entry was made in the Prohibitory Register of the Endowments Department and that as no action is taken for rectifying the said entry and recognising the subject property as a private patta land, the petitioner is constrained to file the present writ petition. The learned counsel also brings to the notice of this Court the averments in the counter affidavit of the 3rd

respondent, the Assistant Commissioner, Endowments Department, Vijayawada, Krishna District, which verbatim read as under:

“It is submitted that after elaborate enquiry and the statements of the Archaka of the temple and the statement of the village people and report of the Inspector vide L.Dis.No.12/2010, dt.31-05-2010 and after verifying the field sketch, Adangal copy and RSR copy the 2nd respondent herein have addressed a letter to the Sub-Registrar, Ibrahimpatnam, Vijayawada in Rc.No.A1/5776/2013, dt.02-10-2013 informing that it is noticed that the temple land situated in R.S.No.28 but erroneously mentioned in R.S.No.38 and further submitted a revised proposal under Section 22(a) particulars of the temple and requested the 4th respondent herein to note the temple land is situated in R.S.No.28 for further correspondence.”

He further prays that the writ petition may be allowed as prayed for.

4. The learned Government Pleader for Endowments (A.P.) representing the respondents 1 to 3 fairly concedes that the entry in the Prohibitory Register of the Endowments Department is a wrong entry and that a revised proposal under Section 22(a) along with the records of the temple are already submitted to the 4th respondent with a request to note that the temple land is in R.S.No.28 and that, therefore, necessary action for redressal of the grievance of the petitioner is already initiated.

5. In view of the fair concession that the entry in the Prohibitory Register of Endowments Department is a mistaken entry, this Court is satisfied that the writ petition deserves to be allowed.

6. In the result, the writ petition is allowed as prayed for. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

M.Seetharama Murti, J

28th April, 2017
Bvv