

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.14521 of 2013

ORDER:

This writ petition is filed to declare the action of the respondents in trying to dispossess the petitioner from the petition schedule land admeasuring Ac.0.50 cts situated in Sy.No.46 (presently Sy.No.46/3) of Tallamudunurupadu of Tadepalligudem Mandal, West Godavari District as illegal and arbitrary.

The case of the petitioner is that the subject land is an inam land; one Velagaleti Naganna and his family members were cultivating the inam land and enjoying the rights by paying maktha to inamdar Srimattirumala Venkata Narsimhacharyulu Ayyavarlu since 1922; the petitioner's husband purchased the said Kudivaram rights of the subject property from Velagaleti Naganna's family for a valuable consideration in the year 1979; the petitioner was paying maktha to the family of the inamdars; the 2nd respondent issued notice in April, 1992 requesting the petitioner to file documentary evidence and proof of title; thereafter, no action has been taken by the Tahsildar; there is civil litigation initiated by one Smt.Paluri Radha i.e. 5th respondent herein with regard to some other land; the 2nd respondent deposed before the Principal Junior Civil Judge that the petitioner's husband was in possession of 0.15 cents in Sy.No.46/3; the latest Adangal was issued by the revenue authorities showing the name of the name of

the petitioner's husband and that the 3rd respondent is interfering with the possession of the petitioner's land.

On 9.5.2013, this Court granted stay of dispossession of the petitioner from the subject land for a period for six weeks.

Counter affidavits have been filed by respondents 2 and 3 along with vacate stay applications stating that the subject property is the property of the temple; the possession of the property was taken on 25.12.2010, after the death of the petitioner's husband ; there is photographic evidence to that effect; the Executive Officer of the temple vide letter dated 27.12.2010 had informed the Deputy Commissioner of Endowments, Kakinada, about the fact that possession of the land has been taken on 25.12.2010 and also a caveat petition has been filed in the civil Court; the subject land is part of Ac.5.00 cts donated by Srimath Thirumala Bhagya Lakshmi Ammavarulu Garu to the temple by way of Declaration of Trust Deed dt.6.9.1947 in Chengalpet Registrar's Office of Tamilnadu bearing document No.2749/1947; when the temple was under the management of trustees, the land measuring Ac.1.22 cts was given on lease for a period of six years to Velagaleti Naganna; the temple was brought under the Endowments Department in the year 1986; a Criminal Case No.120 of 2013 was filed by the temple when the sons of the petitioner tried to interfere with the possession and enjoyment of the land of the temple; the temple has been given ryotwari patta on

26.6.1992 by the Mandal Revenue Officer, Tadepalligudem under Section 4 of the A.P. Inams (Abolition and Conversion into Ryotwari) Act, 1958 for Ac.44.95 cts including Ac.0.50 cts in Sy.No.46/3 covering the said subject land and that the interim order has become infructuous as the possession of the subject land was taken on 25.12.2010.

Heard the learned counsel for the petitioner, learned Government Pleader for Revenue and the learned Standing Counsel for the 3rd respondent temple.

Learned counsel for the petitioner submits that the petitioner is still in possession of the subject land and the adangal/pahani copy for the years 2009 to 2011 also shows the same. Learned counsel relies upon the deposition of the Tahsildar in IA No.652 of 2001 in OS No.125 of 2001 on the file of the Court of the Principal Junior Civil Judge, Tadepallegudem, which is to the effect that the petitioner is in possession of the land.

As seen from the documents filed, the deposition of the Tahsildar, which the petitioner is relying upon, is of the year 2001. According to the counter affidavit of the 3rd respondent temple, possession of the subject land was taken from the petitioner on 25.12.2010. It is also stated in the counter affidavit that the Executive Officer of the temple vide his Letter No.15/2010 dated 27.12.2010 had informed the Deputy Commissioner of Endowments, Kakinada,

about the fact of taking possession of the land from the petitioner on 25.12.2010. No reply affidavit has been filed denying the averments made in the counter affidavit. It is also seen from the counter affidavit filed that the subject land is part of Ac.5.00 of land donated by Srimathi Thirumala Bhagya Lakshmi Ammavarulu Garu to the temple through registered Deed of Declaration of Trust Deed dated 6.9.1947. Further, ryotwari patta was given on 26.6.1992 by the Mandal Revenue Officer, Tadepalligudem under Section 4 of the A.P. Inams (Abolition and Conversion into Ryotwari) Act, 1958. The 3rd respondent admits in his counter that the subject land is part of Ac.1.22 cents given on lease to Velagaleti Naganna, who was lessee of the said land. Thus, in view of the above facts, the petitioner cannot seek relief against the respondents and the writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, if the petitioner is so advised, he can avail the remedies which are available to him, accordance with law. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 12/12/2018

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