

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.3326 of 2018**

**ORDER:**

Heard the learned Counsel for the petitioners and the learned Government Pleader for the respondents.

It is stated by the petitioners that an extent of Ac.1.04 guntas in Survey No.275 situated at Kesamudram Village and Mandal, Warangal District, is a Gramakantam land and the said land is recorded as "Abadi" in the revenue records since 1945 and there are idols of Lord Hanuma, Shiva and Nandi existing in the said land from times immemorial. It is their further case that the then Sarpanch of the Gram Panchayat in collusion with some other persons by misusing his official position succeeded in getting the property registered in his name under a registered document in the year 2012. The petitioners also state that the sixth respondent, who is an Ex-serviceman, came to the land on 26.01.2015 and attempted to remove the deities by making markings with an intention to construct a house and the attempt of the sixth respondent was resisted by the petitioners and other villagers. The sixth respondent claims that he purchased the subject land through a registered sale deed dated 05.12.2014. But, the land is not a private land since it is a Gramakantam land, and the sixth respondent cannot claim the said land. In those circumstances, the petitioners submitted a representation before the second respondent to conduct survey and fix the boundaries to protect the temple land from

encroachments. The second respondent in turn by an endorsement directed the fourth respondent to make an enquiry and submit a report. When the petitioners came to know that the sixth respondent submitted an application for according permission for construction, the petitioners submitted a representation to the third respondent on 05.02.2015 duly marking the same to the fourth respondent and requesting not to grant any permission. When there was no response, they filed W.P.No.4391 of 2015 and the same was disposed of on 09.03.2017 with a direction to consider their representation dated 05.02.2015. The third respondent now passed an order dated 30.10.2017 holding that the subject land is a patta land covered by house sites and houses and no way connected with Gramakantam and it cannot be treated as a Government land in the absence of any other relevant material. Challenging the same, the present Writ Petition is filed.

In his order the third respondent stated that the Assistant Commissioner of Endowments, Warangal, reported that the land covered by Survey No.275 in an extent of Ac.1.04 guntas does not belong to Endowments Department as per the records and the District Panchayat Officer, Mahabubabad, also reported that no land was allotted to the local body in Survey No.275 at any point of time. In those circumstances, the claim of the petitioners that an extent of Ac.0.10 guntas and 25 square yards out of the total extent of Ac.1.04 guntas situated in Survey No.275 belongs to the temple is *ex facie* untenable.

Hence, the present Writ Petition challenging the impugned order of the third respondent dated 30.10.2017 is not maintainable.

The Writ Petition is, accordingly, dismissed. However, this will not prevent the petitioners from availing appropriate remedies in accordance with law, if they are so advised. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

05.02.2018  
vs

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**(A.RAMALINGESWARA RAO, J)**

