THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.25200 OF 2005

ORDER:

Petitioner-Sri Bhimalingeswara Swamy Temple, Narsaraopet Town, Guntur District, represented by its Executive Officer, filed this writ petition seeking to declare the action of the respondents in granting pattas to landless poor in respect of the land admeasuring Acs.1-70 cents in survey No.310 and Ac.1-30 cents in T.S.No.1790/2 of Narsaraopet Town (hereinafter called as 'subject land') without initiating land acquisition proceedings as illegal.

Brief facts of the case are that the Temple owns the subject land. In the year 1979, a large number of people encroached temple land. The Assistant Commissioner of Endowments filed eviction petition before the Deputy Commissioner of Endowments under Section 75 (1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1966 (for short 'the Act') on 06.05.1982. When the said proceedings are in progress, at the instance of the local MLA, the District Collector initiated action to regularize the encroachments. Based on the report of the Mandal Revenue Officer, Narsaraopet, the District Collector addressed a letter dated 02.06.1982 to the Commissioner of Endowments seeking consent to acquire the lands of the Temple under the provisions of the Land Acquisition Act, 1894, for the purpose of providing house sites. In response to the same, the Commissioner vide his letter dated 14.09.1983 informed that the market value of the land was @ Rs.3 lakhs per acre and if the said amount is agreeable for the first respondent to be paid to the

Temple, he had no objection for the proposed acquisition. Thereafter, the Special Deputy Director, Social Welfare, Guntur, addressed letter dated 22.12.1983 to the Revenue Divisional Officer, Narsaraopet, about consent given by the Commissioner of Endowments for the proposed acquisition. However, the revenue department without initiating any acquisition proceedings distributed pattas to the landless poor persons, who were in occupation of the land. Petitioner-Temple issued legal notices on 01.05.2002 and 07.01.2003 and the Deputy Commissioner of Endowments, Guntur, also requested the Revenue Divisional Officer, Narsaraopet, to pay compensation for the acquired lands belonging to the temple. Thereafter, the District Collector regularized the encroachments as per G.O.Ms.No.508 dated 20.10.1995. Aggrieved by the action of the respondents in distributing the land of the petitioner-Temple without initiating any acquisition proceedings and paying compensation, the present writ petition came to be filed.

The third respondent-Mandal Revenue Officer, Narsaraopet, filed a counter stating that the Temple authorities failed to protect the lands and allowed encroachments in the temple land. The inaction of the Executive Officer of the Temple allowed the trespassers to continue in the land as a result it became necessary to regularize their occupation by initiating land acquisition proceedings or in terms of G.O.Ms.No.508 Revenue (Assn.I) Department dated 20.10.1995. As per the provisions of the Land Acquisition Act, the Land Acquisition Officer alone is competent to fix the market value of the land as per the guidelines prescribed and instructions issued by the Government. On account of the inaction of the Temple officials, the encroachers continued to stay in the land of the Temple by erecting huts. The same was considered by the Government and regularized the encroachments as per G.O.Ms.No.526 dated 30.06.1999 and orders for regularization of the encroachments were issued by following the conditions stipulated in G.O.Ms.No.508 dated 20.10.1995 and G.O.Ms.No.972 dated 04.12.1998. The Special Chief Secretary and Commissioner of Land Administration, Andhra Pradesh, Hyderabad in CCLA Letter No.31/1651/99 dated 25.10.1999 requested the Principal Secretary to Government, Revenue Department, and Commissioner of Endowments to send compensation proposals for payment of market value in respect of the land belonging to the Endowments and now it is for the Commissioner of Endowments to send necessary proposals.

Heard both sides and perused the material on record.

Learned counsel for the petitioner would contend that the respondents have regularized the encroachments by granting pattas by G.O.Ms.No.526 dated 30.06.1999 and as such the petitioner is entitled for compensation as per the market value in respect of the lands wherein the encroachments were regularized by the respondents by granting pattas.

Per contra, the learned Assistant Government Pleader would contend that because of the negligence of the Temple authorities, the lands of the Temple were encroached and as the encroachers were continued for long period, their occupation was regularized as per G.O.Ms.No.526 dated 30.06.1999. If necessary proposals are submitted by the Endowments Department to the Chief Secretary, Chief Commissioner of Land Acquisition, Hyderabad, the compensation would be settled.

In the facts and circumstances of the case and in considered view of this Court, it is not in dispute that the respondents regularized the encroachments made on the Temple land by granting pattas in favour of the encroachers as per G.O.Ms.No.526 dated 30.06.1999. Clause (5) of the said G.O. mandates that *"In the case of lands belonging to Endowments Department and Wakf Board, compensation would be paid with reference to the statutory provisions governing the case."* Hence, the respondents are under obligation to pay compensation to the petitioner Temple in respect of the lands in which encroachments were regularized.

Therefore, the Writ Petition is allowed directing the respondents to pay compensation to the petitioner Temple in respect of the lands for which pattas were granted to the encroachers on regularization. The respondent authorities shall take steps for payment of compensation to the petitioner Temple as expeditiously as possible not later than two months from the date of receipt of a copy of this order.

Miscellaneous petitions pending in this petition, if any, shall stand closed. There shall be no order as to costs.

(M.GANGA RAO, J)

27th April, 2018
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