

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.16095 of 2017

ORDER:

The alleged interference of the respondents 2 and 3 with the possession and enjoyment of the petitioners in respect of the agricultural dry land an extent of Ac.2.51 cents in Sy.No.457 of Iron Banda Village, Gonegandla Mandal, Kurnool District is under challenge in the present writ petition.

2. A counter affidavit deposited by the Assistant Commissioner of Endowments, Kurnool District is filed stating that Sri Anjaneya Swamy Temple situated in Ironbanda, Gajuladinne village, Gonegandla Mandal, Kurnool district is an institution published under Section 6 (c) (ii) of the Endowments Act. 30 of 1987 in Sl.No.991 vide in R.Dis.No.J3/46043/1987, dated 17.08.1987, of the Commissioner of Endowments. It is further stated that the temple owns an extent of Acres 18.83 cents and the same is called as Deevuni Manyam. The counter also states that an extent of Ac. 12.51 cents in Sy.No.457 of Ironbanda, Gajuladinne village is also part and parcel of the said Devuni Manyam and belongs to the subject temple and the possession of the same is with the Archakas as they are rendering service to the subject temple and all revenue records are in the name of the deity and Archakas are shown as possessor's and enjoyer's of the said land .

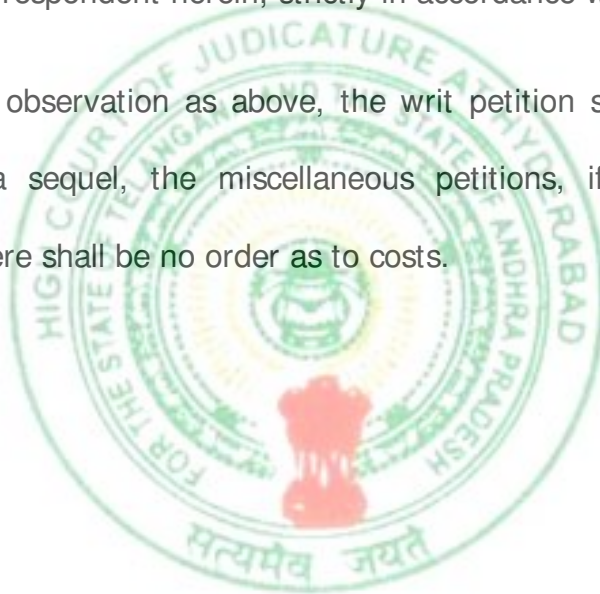
3. Earlier, the unofficial fourth respondent herein filed W.P.No.23363 of 2016 against the Irrigation and Endowments Departments. The said writ petition was closed by this Court by way of an order dated 20.07.2016 by recording the statement made on behalf of the respondents 2 and 3 endowment authorities that they are not interfering with the possession and enjoyment over the subject land.

4. It is the submission of the learned counsel that under the guise of the said order, the unofficial fourth respondent is interfering with the peaceful possession and enjoyment of the petitioner herein.

5. As per the affidavit filed by the Endowments Department, the authorities are not disputing the possession and enjoyment of the subject land by the petitioners herein. In the considered opinion of this Court, the Writ in the nature of Mandamus cannot be issued to the private party, who is the unofficial fourth respondent herein. However, it is open for the petitioners as well as for the endowments department to proceed against the unofficial fourth respondent herein, strictly in accordance with law.

6. With the observation as above, the writ petition stands disposed of. No costs. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

Date:25.9.2018
grk



A.V.SESHA SAI, J

THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.16095 of 2017

Dated: 25.09.2018

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