HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.32 of 2007

ORDER:

The present writ petition is filed seeking a writ of mandamus declaring the inaction of the respondent authorities in payment of compensation for acquiring the land of the petitioners in Survey R.S.Nos.15 and 16 to an extent of Ac.20-38 cents situated at Vellaturu Village of Mellacheruvu Mandal, Nalgonda District as arbitrary, illegal and unconstitutional and to direct the respondent authorities to pay compensation in accordance with law for acquisition of their lands.

The case of the petitioners is that their fore fathers are the hereditary Archakas of Sri Chennakesava Swamy temple situated at Vellatur Village of Mella Chervu Mandal, Nalgonda District. They were given personal grant-in-inam to an extent of Acs.20-38 cents as referred to above and have been in possession and enjoyment of the same by cultivating personally and are doing the archakathwam for the subject temple. However, the above said land has been acquired for public purpose of Pulichintala project without following the due process of law. It is also stated that after coming to know about initiation of land acquisition proceedings, more particularly, before the negotiation committee at Vellatur village, the petitioners appeared and brought to the notice of the respondents about their ownership right so far as the subject land is concerned. In spite of the same, their request was not considered and they were not paid the compensation. Therefore, the present writ petition is filed.

Respondent Nos.1 to 3 and 5 on one hand and respondent No.4 on the other have filed separate counter affidavits.

The basic contention raised in both the counter affidavits is that the subject temple was published under Section 6(c)(ii) of the Act 30 of 1987 and also registered under the provisions of the Act. The temple is under the control of the Assistant Commissioner, Endowments Department, Nalgonda. The revenue records show that the subject land is classified as inam and the name of Sri Chennakeshava Swamy Temple is recorded as pattedar, whereas the names of Sri Borra Appachary, Sri Borra Krishnamachary and Sri Borra Narasimhachary, the ancestors of the petitioners, were shown as the cultivators. It is also stated in the counter affidavits that as per Section 4(1) of the A.P. (Telangana Area) Inam Abolition Act, 1955 (for short, "the Act"), where imams are held by or for the benefit of charitable or religious institutions, no person shall be entitled to be registered as an occupant under Sections 5, 6, 7 and 8. After commencement of the Act, such registration shall be declared as null and void and no effect shall be given to such registration.

In the case on hand, the Revenue Divisional Officer, Suryapet, has granted Occupancy Right Certificate vide Lr.No.G/694/1997, dated 25.11.1997, under the provisions of Section 8 read with Section 10 of the Act in favour of Sri Chennakeshava Swamy Temple in respect of the subject property. The petitioners never challenged the said order passed by the Revenue Divisional Officer, Suryapet and they have not filed any appeal under Section 24(1) of the Inam Abolition Act, 1955. In the result, the Occupancy Right Certificate issued in favour of Sri Chennakeshava Swamy Temple has attained finality. Therefore, undoubtedly, the land in question belongs to Sri Chennakeshava Swamy temple, Vellatoor, and as the same has been entered in the revenue records, the petitioners do not have any right or title in respect of the said land. Be that as it may, since the land has been acquired for public purpose for construction of Pulichintala Project, the Special Deputy Collector and Land Acquisition Officer, L.A. Unit, VI Pulichintala Project, Kodad, issued a notification under Section 4(1) of the Land Acquisition Act and after completion of necessary formalities, passed an award vide No.B/66/05, dated 27.03.2006, and paid compensation to the tune of Rs.27,18,125/- to the said temple and the same has been deposited in Bank of India, Secunderabad Branch. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

A perusal of the contents of the averments made in the affidavit and both the counter affidavits filed on behalf of the respondents, it is clear that the subject temple is published under Section 6(c)(ii) of the 30 of 1987 and it is under the control of the Assistant Commissioner, Endowments Department, Nalgonda. The subject land has been classified as Inam and the name of Sri Chennakeshava Swamy temple is recorded as pattedar. The Revenue Divisional Officer, Suryapet, has granted Occupancy Right

Certificate vide letter No.G/694/1997, dated 25.11.1997, under the provisions of Section 8 read with Section 10 of the Act in favour of the subject temple in respect of the land in question. The said Occupancy Right Certificate granted in favour of the subject temple has not been assailed by the petitioners and the same has attained finality. Once the inam has been granted in favour of the temple, the question of payment of compensation to the petitioners may not arise. Since the fore fathers of the petitioners and thereafter the petitioners are only the cultivators and the temple in question is the pattadar, the petitioners are not entitled for any compensation.

Under these circumstances, when the petitioners have no right or interest of any sort over the subject land, the question of violation of any right in any manner does not arise and they are not entitled for compensation. Therefore, the writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous petitions, if any, shall also stand dismissed.

JUSTICE P. KESHAVA RAO

Date: 19.01.2018.
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