

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2601 OF 2007

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in taking steps to acquire the land in Sy.Nos.140 & 165-2 of Nidraghatta Village, Amarapuram mandal, Ananthapur District, without following any procedure and without initiating proceedings under any of the statutes as illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently, to direct the respondents to follow the due process of law by acquiring the land either by land acquisition or by consent.

Heard Sri P.Narahari Babu, learned counsel appearing for the petitioners and learned Government Pleader for Revenue appearing for the respondents.

It is the case of the petitioners that the lands admeasuring Ac.9.62 in Sy.No.140 & and Ac 1.19 cents in Sy.No.165-2 of Nidraghatta Village, Amarapuram Mandal, Anantapur District, originally belonged to one Chennarayappa and ryotwari patta was issued in his favour by the revenue authorities under Section 4 of the Andhra Inams (Abolition and Conversion into Ryotwari) Act, 1956 (for short 'the Act').

Originally, Chennarayappa was the Pujari and inam lands were granted in his favour for doing archakatvam services of Sri Lord Anjaneyaswamy temple. After death of Chennarayappa, the lands have been inherited by the family members of the petitioners and now, they are in possession and enjoyment of the same. It is the further case of the petitioners that the revenue authorities also recognized their rights in the said lands and granted pattadar pass books in their favour. While so, during 2007, when the revenue authorities and the State Government are taking steps to encroach upon the lands of the petitioners on the ground that they are intending to distribute the said land to the landless poor under Indiramma Housing Scheme for grant of house site pattas, the present writ petition is filed.

While admitting the writ petition on 12.02.2007, this Court granted interim direction not to dispossess the petitioners without following the due process of law.

Counter-affidavit is filed on behalf of the respondents contending that only Ac.1.14 cents of land has been acquired by the Government for grant of house site pattas to the landless poor under Indiramma Housing Scheme, and the respondents had also passed an Award under Land Acquisition Act, and compensation amount has also been

deposited with the Endowments Department. It is further stated that rest of the land is in possession and enjoyment of the petitioners.

Admittedly, the petitioners are doing Archakatvam services to Lord Sri Anjaneyaswamy temple and their right to enjoy the lands in Sy.Nos.140 and 165-2 is recognized from times immemorial, and pattadar pass books were also issued in favour of the petitioners and ryotwari pattas were also granted to their fore-fathers under Section 4 of the Act. The petitioners contend that they are the rightful owners of the land to an extent of Ac.9.62 cents and the respondents had acquired Ac.1.14 cents and paid compensation to the Endowment Department. The amounts so deposited with the Endowment Department are to be used for the benefit of the temple in which the petitioners are doing archakatvam services.

Therefore, opportunity is given to the petitioners to submit a representation to the Endowment Department for release of the amount of compensation paid by the respondents in respect of Ac.1.14 cents of land and on such representation being made, the respondents are directed to consider the same and pass appropriate orders for release of the amount so deposited by the respondents, so that the said

amounts can be utilized for the betterment of the temple, in which the petitioners are doing archakatvam services in respect of the remaining extent of land. The respondents themselves stated in the counter-affidavit that out of Ac.9.62 cents in Sy.No.140, an extent of Ac.1.14 cents of land has already been acquired by the Government and that the petitioners are in possession and enjoyment of the remaining extent of land and pattadar pass books were granted in their favour. If the respondents intend to dispossess the petitioners, even from the remaining extent of land, they are at liberty to do so after following due process of law.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*9<sup>th</sup> March, 2018*

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