

**HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI**

**WRIT PETITION NO.21809 of 2009**

**ORDER:**

This writ petition is filed to declare the inaction of the respondent in considering the representation dated 13.4.2009 of the petitioner for regularization of the land as per the prevailing market value as illegal and arbitrary.

Brief facts of the case are that the petitioner is a resident of House No.D.No.W1/424 (old), 1/787 (new), Narukur Road, Mangal Street, Nawabpet, Nellore-02; she is a widow of M.Srinivasulu and her ancestors are residing in the said house since decades; the subject land admeasuring to an extent of 495 sq. yards in Sy.No.153 of Nawabpet, Nellore district, belongs to Sri Krishna Dharmaraja Swami Vari Devasthanam, Nawabpeta, Nellore; the Endowments department filed O.A.No.59 of 1980 and the Deputy Commissioner, Guntur, passed an order of eviction on 22.10.1981; after long correspondence, the Assistant Commissioner-3<sup>rd</sup> respondent directed the petitioner to pay an amount of Rs.1000/- per sq.yard vide orders dated 3.9.1996; as per the market value issued by the registrar office dated 4.4.1998, the value of the land is Rs.580/- per sq. yard and as per the land value certificate issued by the Revenue Divisional Officer, it is Rs.775/- per sy. yard; as there is huge difference in the valuation, the

petitioner made representation; subsequently, the respondents asked the petitioner to pay the value at the rate of Rs.2000/- per sq.yard.; pending payment, the petitioner's husband expired on 18.10.2000; some other persons approached Lok Ayuktha vide Complaint No.1112 of 2008/B1 and the Lok Ayuktha passed an order on 16.2.2009 directing the District Collector to consider the claim of the applicants therein for allotment of houses under Indiramma Housing Programme; the petitioner gave a representation to the District Collector on 13.4.2009 to register the land in her name as per the prevailing market value as fixed by the competent authority; but no action has been taken by the Collector and hence the writ petition.

Counter affidavit has been filed by the 4<sup>th</sup> respondent i.e. Executive Engineer, inter alia, stating, that Sri Krishna Dharmaraja Swamy Vari Devasthanam, Nellore, is owning an extent of Ac.2.72 cents of vacant land in S.(CA).No.153 of Nawabpet, Nellore Town; out of the said extent of vacant land an extent of Ac.0.60 cents is under occupation of the encroachers including the writ petitioner; the Executive Officer of the said temple issued a notice in July, 2005 directing the encroachers to vacate the said land; the petitioners is in illegal occupation of 495 sq. yards with three pucca rooms; the Executive officer of the temple filed O.A.Nos.58 of 2005 and batch before the Deputy Commissioner, Endowments Department, Guntur, who is the competent authority to entertain and pass appropriate orders under Section 83 of the A.P. Charitable and Hindu

Religious Institutions and Endowments; the O.As. were allowed on 15.7.2006 with a direction to vacate the said land within 30 days and the said order has become final; the petitioner was given ample opportunity to utilize the offer given by the Executive Officer to get registration of the said encroached land by paying the market value; the petitioner did not avail the opportunity; the petitioner is not a party before the Lok Ayuktha and she is not eligible to claim any house site under Indiramma Housing Scheme.

Heard the learned counsel for the petitioner and the learned counsel for the 4<sup>th</sup> respondent.

The proceedings dated 3.9.1996 of the Assistant Commissioner, Endowments, Nellore, 3<sup>rd</sup> respondent herein, would show that the petitioner was asked to express her willingness to purchase the subject land at the rate of Rs.1000/- per sq.yard; without availing the said opportunity, the petitioner went on making representation for reduction of the market value of the subject land and the representation of the petitioner dated 13.4.2009 is much after the proceedings dated 3.9.1996. As the petitioner did not pay the market value and get the subject land registered in her favour immediately after the proceedings dated 3.9.1996, the petitioner cannot ask for reduction of the value of the land in the year 2009. However, the petitioner is given liberty to file a fresh representation before the authorities, if she so chooses.

With the above observations, the Writ Petition is disposed of.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

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**KONGARA VIJAYA LAKSHMI, J**

**Date: 08/11/2018**

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