

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.16301 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in interfering with the possession and enjoyment of the petitioner and his family members over the lands in S.Nos.375, 376, 294 and 293 situated at Muthyampet village, Malyal Mandal, Karimnagar District, as arbitrary and illegal, and consequently, to declare that the petitioner and his family members are entitled to perform rituals before the idol of Sri Abhayanjaneya Swamy, which was erected in the said land.

2. Heard Sri Ravi Kondaveeti, learned Counsel for the petitioners and the learned Government Pleader for Panchayatraj.

3. It has been submitted by the learned Counsel for the petitioners that during the pendency of this writ petition, the original writ petitioner died and his son being the legal representative of the deceased petitioner was brought on record as the 2nd petitioner vide order dated 11.2.2016. Further, it has been submitted that the father-in-law of the deceased petitioner purchased the subject land admeasuring Ac.3.32 guntas in S.Nos.375, 376, 294 and 293 situated at Muthyampet village, Malyal Mandal, Karimnagar District, in public auction conducted by the Endowment Department, vide registered sale deed dated 19.10.1984 and he gifted the said property in favour of his daughter i.e., the wife of the deceased petitioner in the year 1995, and since then, they have been residing therein, and while so, the respondents are trying to interfere with the peaceful possession and enjoyment of the petitioner over the subject property and in those circumstances, the present writ petition has been filed. Further, it has been submitted that while admitting the writ petition,

this Court vide order dated 31.7.2007 passed interim order directing the respondents not to interfere with the possession of the petitioner in respect of the land in question, without following due process of law, pending further orders, and by virtue of the said interlocutory order, the petitioners are in possession and enjoyment of the subject property.

4. The learned Government Pleader for Panchayatraj filed a counter-affidavit contending that the writ petitioner indulged in various irregular activities viz., he constructed sheds in the subject property without obtaining any building permission and he used to let out the same to the pilgrims, and in violation of the provisions of the Endowments Act, he also installed a hundi in the said premises, and without any authority, he used to collect votive offerings from the devotees, and thus, he violated the provisions of the Panchayatraj Act as well as the Endowments Act.

5. I have considered the rival submissions made by the parties. It is the contention of the respondents that the deceased petitioner had indulged in various illegal activities. If that be the case, the respondents ought to have initiated action against him in accordance with law. Instead of doing so, they cannot resort to interfere with the possession of the petitioner and his family members over the subject land, without following due process of law. It is made clear that if the family members of the deceased petitioner violated any law the respondents are at liberty to take action against them for such violation in accordance with law.

6. With the above observations, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

17th April, 2018
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