

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 15452 OF 2008

ORDER :

In this Writ Petition, the petitioner questions the authority of the State to alienate the property of the Devasthanam for the purpose of providing house sites.

The brief facts, as asserted in the Writ Petition, are that: the land in Survey No.105/1 of Venkatapuram Village, Kalidindi Mandal, Krishna District belongs to Sri Kodanda Ram Swamy Vari Devasthanam. While so, Respondents 1 and 2, who claim to be the family members of Archakas, had approached the State authorities for providing Devasthanam land for constructing houses, which request was considered and possession certificate was granted in the name of the 2nd respondent in respect of the land admeasuring Ac.0.10 cents. The grievance of the petitioner now is that the State has no power / authority to do so.

This Court, while admitting the Writ Petition, on 18.07.2008, had directed to maintain *status quo* obtaining as on that day as to the nature and possession of the land in question.

Learned Standing Counsel for the petitioner Devasthanam submits that the 1st respondent is no more, but the 2nd respondent is living in the subject property at this point of time.

A counter-affidavit was filed by the 4th respondent Tahsildar, Kalidindi stating that the possession certificate was issued to the 2nd respondent over an extent of Ac.0.25 cents in R.S.No. 115 of Venkatapuram Village, but not in respect of the land in R.S. No. 105/1, as contended by the petitioner. It was further stated that R.S. No. 105/1 with an extent of Ac.9.74 was classified as the

‘government poramboke gramakantam’ as per Re-settlement Register and that neither the petitioner nor the 2nd respondent has right / ownership over the land either in R.S. No. 105/1 or R.S. No. 115 of Venkatapuram Village. It was further stated that on verification with reference to the village records, it was found that the 2nd respondent is constructing her house in Survey No. 105/1 but not in Survey No. 115, hence, the possession certificate granted in favour of the 2nd respondent in respect of the land in R.S. No. 115 would be cancelled after disposal of this Petition.

Heard learned Standing Counsel for the petitioner and learned Government Pleader for Revenue (Andhra Pradesh).

A perusal of the material on record and the respective stands taken by the learned counsel discloses that there appears to be no dispute that the land in Survey No. 105 belongs to the Devasthanam. It is well-settled that the State has no authority either to acquire or distribute the temple lands without first adequately paying the compensation. A Division Bench of this Court in a Public Interest Litigation had, in fact, stayed acquisition/alienation of the temple lands for whatsoever purpose and the said Writ Petition is still pending. However, as it is asserted by the 4th respondent in the counter-affidavit that the 2nd respondent is in occupation of the land in Survey No. 105/1, the Writ Petition is closed, giving liberty to the petitioner to seek eviction of the 2nd respondent by following due process of law.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J