

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 22642 of 2008

ORDER:

This Writ Petition is filed by Sri Seetharamaswamy Devasthanam, Pedakodamagundla Village, Karampudi Mandal, Guntur District, represented by its Hereditary Trustee, who asserts that his great grandfather constructed the petitioner Devasthanam in the year 1809 and some properties were endowed to it for performing Nitya Dhoopa Deepa Naivedyam, Utsavams, etc.; that the Devasthanam possesses the land admeasuring Acs.51.25 cents in Survey Nos.431, 479, 425, 442, 617, 546/1 and 730 situated at Takkelapadu Village, Dachepalli Mandal, and Acs.15.07 cents in Survey Nos.468, 622 and 301 situated at Pedakodamagundla Village, Karampudi Mandal, Guntur District, that he was recognized as Member of Founder Trustee Family by the fourth respondent – Assistant Commissioner of Endowments, Guntur, vide proceedings, dated 11.12.2000; that by the time, he assumed charge, the landed properties of the Devasthanam were occupied by Rythu Coolie Sangham, People's War Group and Jana Shakthi Group and he made efforts for their eviction, but, in vain; that as there was no income to the Devasthanam, he was forced to bear the expenses for administration of its affairs; that he made several

representations to the second respondent – Commissioner of Endowments, Hyderabad, to either restore the property or to pay compensation by acquiring the land under the Land Purchase Scheme; that the second respondent issued instructions to all the executive authorities of the respective institutions, whose lands are under unauthorized occupation of the people belonging to the Scheduled Caste, to send proposals to the S.C. Corporation for sale of the land under the said scheme; that the fourth respondent addressed a letter, dated 13.02.2003 to the seventh respondent – Executive Director of S.C. Cooperative Society, Guntur, to purchase the subject land on payment of market value; that he approached the revenue authorities for distribution of pattas to the eligible occupants and to pay compensation and that the sixth respondent - Tahsildar, Dachepalli Mandal, Guntur District, identified the beneficiaries for distribution of pattas and forwarded such list to the third respondent – District Collector, Guntur, but, no action was taken so far. Hence, he approached this Court by way of filing the present Writ Petition.

A counter-affidavit was filed by the fourth respondent stating that the Devasthanam was published under Section 6(C)(ii) of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short 'the Act'); that

in 1994, certain Scheduled Caste people encroached the lands in question with the support of Rythu Coolie Sangham and carrying out agricultural operations without paying any amount to the Devasthanam and thus, its finances have been deteriorated; that the market value at the time of filing counter-affidavit was ranging from Rs.75,000/- to Rs.1,00,000/- per acre; that the answering respondent addressed a letter to the seventh respondent with regard to purchase of the land in question on payment of market value under Land Purchase Scheme; that the answering respondent submitted proposals to sell the land, particulars of which were mentioned therein, in Pedakodamagundla Village; thereupon, the second respondent vide memo, dated 15.05.2008 requested the answering respondent to consider for leasing out the lands of the Devasthanam through public auction and that the petitioner expressed that it is not feasible to conduct public auction, as the auction was managing the administration of the Devasthanam.

An additional counter-affidavit was filed by the fourth respondent, pursuant to the directions issued by this Court, asserting that the second respondent in Rc.No.M2/3092/2015, dated 24.04.2015, issued instructions for preparing the Property Register, duly including the lands of the Devasthanam, under

Section 22A(1)(c) of the Registration Act and to take action for removal of encroachments under Sections 83 and 84 of the Act; that the answering respondent vide proceedings in Rc.No.A3/1179/2015, dated 25.08.2015 issued instructions to the Executive Officer to take necessary steps for removal of the encroachments on the Devasthanam's lands; that thereafter, the Executive Officer took charge of the Devasthanam and its management and took steps for removal of the encroachments and thereby, conducted public auction on 08.05.2017 to lease out the land to an extent of Acs.58.35 cents and about seven (7) individuals became the successful bidders for the period from 2017-18 to 2019-2020; that the Executive Officer addressed a letter, dated 05.12.2015 to the sixth respondent with a request to enter the details of the Devasthanam's lands in the revenue records and to issue pattadar pass books in the name of the Devasthanam; that the Bhajantrees were enjoying the land to an extent of Acs.10.50 cents and rendering their services and that as of date, there is no proposal to sell the land to S.C. Corporation.

A counter-affidavit was filed by the sixth respondent asserting that there is no proposal received to acquire the lands of the Devasthanam for issuance of pattas and as per the records, the Devasthanam is in possession of the subject land.

Heard Sri P.R. Prasad, learned counsel for the petitioner and learned Government Pleader for Endowments appearing for respondent Nos.2 and 4, learned Government Pleader for Revenue appearing for respondent Nos.1, 3, 5 and 6 and Sri Meherchand Nori, learned counsel for respondent No.9.

Principally, the grievance of the petitioner Devasthanam is that the respondent authorities shall not part with its landed properties without paying just compensation. However, the Devasthanam filed this Writ Petition challenging the proposed action of the then Assistant Commissioner to regularize the illegal occupation of the individuals by granting pattas to them through S.C. Corporation. Further, for whatever reasons, be it at that, on account of the second respondent not granting permission or on account of the S.C. Corporation not coming forward for sale of the Devasthanam's land, the fact of the matter remains that the lands are in possession of the Devasthanam. There being no dispute with respect to the steps taken by the Executive Officer, as asserted by the fourth respondent in the additional counter-affidavit, that as of date, interest of the Devasthanam has been adequately protected. However, this Court cannot lose sight of the fact that on account of the developments, particularly, after coming into force the Andhra Pradesh State Reorganization Act,

2014, the proposal of the Government to construct a new capital city in Guntur District, the value of the land has skyrocketed. In the circumstances, it is the bounden duty of the authorities concerned to protect the lands of the Devasthanam and ensure adequate income therefrom. Further, in the light of the order, dated 07.06.2005 passed by the Division Bench of this Court in WPMP.No.15055 of 2005 in Writ Petition No.11812 of 2005, the interests of the Devasthanam are being protected by the respondent authorities, as stated in the counter-affidavit filed by the fourth respondent. In the circumstances, no further orders are required to be passed in this Writ Petition except issuing a direction to respondents 2 to 6 to continue to protect the interests of the Devasthanam in all respects and not to deal with its properties except in accordance with law.

Subject to the above, this Writ Petition is closed.

Miscellaneous Petitions, if any pending, shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

8th OCTOBER, 2018.

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