

HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.30887 of 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents.

The prayer in the writ petition is as under:

“... Hon;ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not considering the representation dated 22.05.2016 of the petitioners for regularization of the property admeasuring around 3150 square yards in TS.No.106, Block No.2, bearing D.No.12-4-4/2 of Maharanipet, Visakhapatnam district as bad, illegal, arbitrary, improper, unjust and consequently direct the respondents to consider the representation dated 22.05.2016 of the petitioners and grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.”

The facts of the case are that the 1st petitioner's father late M. Venkat Rao served Chemudu Estate faithfully and loyally for more than 50 years as Huzoor Ameen under Rani Chandramani Patta Maha Devi. For the said services property admeasuring 3150 square yards was gifted by the said Rani Chandramani Patta Maha Devi in the year 1954 and ever since the 1st petitioner along with his brothers is living therein and constructed a compound wall and raised a tiled house inside the said premises. On an earlier occasion, a suit in O.S.No.1069 of 1999 was filed for an injunction simplicitor restraining the respondents therein on the file of the III Additional Junior Civil Judge, Visakhapatnam. However, the Endowments Department is claiming the subject property as a trust property of Ambica Bagh temple

which was created vide document No.65/1957 and was executed by Rani Chandramani Patta Maha Devi. In connection with the same, the suit in O.S.No.30 of 1964 was filed and the said suit was dismissed by judgment and decree dated 30.06.1967. The appeal filed against the said judgment was also dismissed by this Court vide A.S.No.17 of 1968 dated 04.11.1971. In fact, the 1st petitioner has been in possession of the property for the last more than six decades and hence in order to consider his objections, he has submitted representations dated 06.05.2013 and 22.05.2016 bringing all the relevant facts to the notice of the Commissioner and requested him for consideration of regularization of the property in his favour. No orders are passed on the said representations. Therefore, the petitioners are constrained to file the present writ petition.

Though the writ petition is filed in the year 2016, the record discloses that no counter affidavit has been filed.

Keeping in view the submissions made by the counsel for the petitioners and also a perusal of the material on record reveals that the 1st petitioner and prior to him his father have been in possession and enjoyment of the subject property from the year 1954 onwards. The representations submitted by the petitioners are also pending consideration before the 2nd respondent. At the same time, the rival claim set up in the form of trust property of Ambica Bagh temple created vide

document No.65/1957 is also within the knowledge of the 2nd respondent.

In these circumstances, to meet the ends of justice, this Court is of the opinion that the 2nd respondent shall consider the representations submitted by the 1st petitioner and pass appropriate orders.

Accordingly, the writ petition is disposed of directing the 2nd respondent to consider the representations dated 06.05.2013 and 22.05.2016 and pass appropriate orders as per law, after giving an opportunity of being heard to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions, if any, shall also stand disposed of.

P. KESHAVA RAO, J

Date: 01.05.2018.
ES