

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.5736 of 2014

ORDER:

There is no representation on behalf of the petitioner.

2. The prayer sought in the writ petition is as under:

"...this Hon'ble Court may be pleased to issue a writ or orders or direction, more in nature of "Writ of Certiorari" calling for the records pertaining to Survey Number 393 (Veeranna Gutta), Manchirevula Village, Rajendra Nagar Mandal, Ranga Reddy District and also the records relating to allotment of land to Grey hounds department by Government of Andhra Pradesh and declare that the acres 14 in said Survey No.393, belongs to Sri Lord Veerabhadra Swamy Temple and also direct the respondents 3 to 6 not to interfere in the day-to-day affairs of the premises of Sri Veerabhadra Swamy Temple, constructed in the 17th Century and installation programmes of the newly constructed Sri Santoshi Matha Temple programmes of the Sri Veerabhadra Swamy temple between 27-02-2014 to 2-3-2014 and pass such other order or orders as this Honble Court may deem fit and proper in the circumstances of the case."

3. Respondents 1 to 5 filed a counter affidavit apart from written instructions dated 03.03.2014 issued by the Group Commander (Hqrs), Greyhounds, A.P., Hyderabad.

4. From a perusal of the said counter affidavit as well as the written instructions, it is revealed that the subject land was originally assigned to persons belonging to the weaker sections of Machirevula in the year 1961. As the said land was not useful for cultivation, the assignees executed a GPA in favour of one Mr. Alla Bakshi, resident of Hyderabad for the purpose of selling the land. However, the said land was resumed back under the POT Act 1977 by the DRO, Ranga Reddy District and re-alienated to Grey Hounds vide letter No:LCI/41270/02 dated 29.05.2003. The advance possession of the subject land was given under a cover of panchanama and the Grey

Hounds has taken the possession of the land on 04.06.2003. As the DRO was not competent, this Court in WP.No.13165 of 2003 directed the Government to pass cancellation order by the competent authority. After due process, pursuant to the order of the High Court, the office of the Collector, Ranga Reddy District again handed over the said land to Grey Hounds under the cover of Panchanama on 11.04.2007 and the extent of 142.39 Acres land was taken into possession by the Grey Hounds. It is also further mentioned that while conducting panchanama, the staff of Rajendranagar MRO office noticed that the subject Temple is existing in the said land. As far as the ancient temple of Sri Veerabhadra Swamy and worship is concerned, it is specifically mentioned that the Grey Hounds never made any objection.

5. Further, the construction of Santoshi Matha Temple was objectionable. Earlier when the staff of Sri Veerabhadra Swamy Temple tried for construction of a new Temple without permission from the Government, the Endowment Department, the Collector, Ranga Reddy or any other Government authority, the office of the Grey Hounds objected and since 2007 the subject land was in possession of the Grey Hounds and the unofficial management of Sri Veerabhadra Swamy Temple do not have any right to construct any kind of temple. It is also further mentioned that the issue relating to the subject land is also pending consideration in this Court vide WA.No.202 of 2010.

6. In that view of the matter, this Court is of the opinion that there are disputed questions of fact and also a dispute relating to the title between the Grey Hounds and the management of Sri Veerabhadra Swamy Temple in the said land. Therefore, these questions cannot be gone into in a writ petition filed under Article 226 of the Constitution of India and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, the petitioners are given liberty to agitate their rights in a competent civil Court for proper adjudication as per law. As a sequel thereto, pending miscellaneous petitions, if any, shall stand dismissed. There shall be no order as to costs.

P. KESHAVA RAO, J

December 16, 2019
DSK

