

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.30116 of 2018

ORDER:

It is the case of the petitioner-M/s Venkateshwara Silk Mills that it is the owner of the land over an extent of Ac.2-00 guntas in Survey No.246 of Gaganpahad village, Rajendranagar Mandal. It is the assertion of the petitioner that it is an industrial concern and is in possession of the subject land having acquired the same through registered sale deeds dated 23.06.1990 and 28.06.1990 vide documents bearing Nos.7868/1990 and 8057/1990. When the petitioner desired to obtain Bank loan, in the process of due diligence conducted by the Bank, the petitioner came to understand that there is a communication from the Additional Commissioner and Joint Commissioner, Endowments, dated 25.05.2011, informing the Sub-Registrar, Rajendranagar, Ranga Reddy District, that the said property is included in the prohibitory list under Section 22(A)(1)(c) of the Registration Act (A.P. Amendment Act, 2007) (Act 19 of 2007). On further enquiries, the petitioner came to understand that the subject land was included in the register maintained by the Endowments Department under Section 43 of the Endowments Act.

2. It is the case of the petitioner that the said entry into the register maintained by the Endowments Department under Section 43 of the Endowments Act, is untenable as the petitioner came to have purchased the land as far back as 1990. Learned counsel for the petitioner has also relied on the counter affidavit filed on behalf of the Executive Officer in the present writ petition by drawing the attention that the Executive Officer stated that the subject land is a patta land admeasuring Ac.17-10 guntas in Survey No.246 and the same stands in the name of Balabadradas, the grandfather of the present Member of the Founder Family of the Temple. In those circumstances, the writ petitioner prays for a Writ of Mandamus declaring the action of the respondent

No.3 in recording the subject land as one belonging to the Temple and the letter dated 25.05.2011 as null and void; as the petitioner is the owner and possessor of the subject land on the strength of the aforestated registered sale deeds.

3. Learned Standing Counsel opposes the writ petition and submits that the crucial aspect of title is in issue and as of date there is no dispute that the subject property has been included in the prohibited list showing the property as one belonging to the Temple, and included in the register maintained under Section 43 of the Endowments Act. In those circumstances, the learned Standing Counsel asserts that there is an effective alternative remedy available to the petitioner in terms of Section 45 read with Section 87 of the Endowments Act.

4. Having regard to the respective submissions and having perused the material placed before this Court, particularly the sale deeds which are said to have been executed in favour of the petitioner, and also the judgment and decree of the Civil Court, these are all matters which are required to be established by the petitioner in a full fledged trial before the Endowments Tribunal functioning under Section 87 of the Endowments Act, headed by a Judicial Officer of the rank of District Judge.

5. Therefore, the writ petition is disposed of giving liberty to the petitioner to avail the remedy under Section 45 read with Section 87 of the Endowments Act by approaching the Endowments Tribunal to establish its right and title to the subject property.

No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE CHALLA KODANDA RAM

24th January, 2019
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