

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 1392 OF 2020

ORDER :

This writ petition is filed challenging the action of respondent Nos.2 and 3 in not rectifying the land status in IGRS website from “Endowments” to “Patta Land”, in respect of agricultural land in Sy.No.134/A/1, admeasuring Ac.0.24 guntas and Sy.No.134/A/3, admeasuring Ac.0.17 ½ guntas, total to an extent of Ac.1.01 ½ guntas situated at Vallapuram Revenue Village, Mudigonda Mandal, Khammam District, and thereby the action of respondent No.5 in not receiving and registering the sale deed presented by the petitioner in respect of the said land.

The case of the petitioner is that she is the absolute owner and possessor of the agricultural land admeasuring Ac.0.24 guntas in Sy.No.134/A/1, and Ac.0.17 ½ guntas in Sy.No.134/A/3, total to an extent of Ac.1.01 ½ guntas, situated at Vallapuram revenue Village, Mudigonda Mandal, Khammam District, having purchased the same from its original owners Mr.Cherukumalla Chandraiah, s/o.Venkataiah and Smt.Cherukumalla Mangathai w/o.Ramaiah, through a registered sale deed bearing Document No.3753/2013, dated 10.06.2013, registered on the file of Sub-Registrar, Khammam district. The name of the petitioner was also mutated in the revenue records and she was also issued pattadar pass book and title deed and has been in peaceful possession and enjoyment of the said property by raising crops. While so, the petitioner wanted to sell the said property in the month of February, 2019, to one Godeshi Chandraiah, s/o.Venkaiah and accordingly, petitioner executed sale deed dt.01.03.2019 in his favour and

when the petitioner approached 4th respondent to register the said sale deed, petitioner was informed that the subject land is recorded as Endowment land in IGRS website and therefore, refused to receive and register the said sale deed. It is also stated that no document is issued to the petitioner showing that the subject property is in the list of prohibited properties for registration. Thereafter, petitioner filed an application to the Tahasildar, Mudigonda Mandal with a request to rectify the land status in IGRS website in respect of the subject property, who after verifying the revenue records, in turn addressed a letter in Rc.No.A/68/2019, dated 19.03.2019 to the 3rd respondent to rectify the land status in IGRS website. As there is no response from the 3rd respondent, the petitioner filed one more application to the Sub-Collector, Khammam during Prajavani programme and the Sub-Collector called for report from the Tahasildar, Mudigonda, for which the Tahasildar, Mudigonda through letter dt.08.07.2019 informed the Sub-Collector that the subject survey number is a patta land and is not included in the list of prohibited properties for registration under Section 22- A of the Registration Act. Pursuant to the letter from the Tahasildar, the Sub-Collector, Khammam addressed letter in RC.No.A4/OTH/0032/2019, dt.06.08.2019 to the Assistant Commissioner, Endowments Department, Khammam, requesting to verify whether the subject land pertains to Endowments Department or not and take necessary action in that regard. The Assistant Commissioner, Endowments, Khammam, in turn addressed a letter in Rc.No.D/1157/2019, dated 21.09.2019 to the Commissioner, endowments Department, Telangana, Hyderabad, stating that basing on the Adangal Pahani issued by the then Secretary, Vallapuram Village, the subject land is entered in the register maintained under Section 43. Pursuant to the letter issued by the Assistant

Commissioner, Endowments, dt.21.09.2019, the Commissioner, endowments Department, through letter vide Rc.No.L2/11190/2019, dt.16.10.2019, directed the Assistant commissioner to pass appropriate orders as he is custodian of endowed lands and also submit a report to Sub-Collector, Khammam appraising the factual position. Thereafter, the Assistant Commissioner, Endowments, Khammam, addressed a letter in Rc.No.D/1157/2019, dated 13.11.2019 to the Sub-Collector, Khamma, stating that the subject survey No.134 was entered in the property register of Sri Mallikarjuna Swamy Temple, Vallapuram, basing on the pahani issued by the then Village Secretary, Vallapuram village and also observed that as per the Report of the Tahasildar, Mudigonda, Sy.No.134 is a patta land, but further referred that any aggrieved party may file an application before the Endowments Tribunal under Section 45 of the Telangana Charitable and Hindu Religions Institutions & Endowments Act, 1987 (for short 'the Act').

Aggrieved by the action of the respondents in including the subject land under prohibited properties list as Endowment land in IGRS website, present writ petition is filed.

Heard learned counsel for the petitioner who submits that without any basis the subject land is included as Endowment Land in IGRS website which is illegal and basing on the same the 3rd respondent cannot refuse to register the said document. He also submits that the survey conducted by the Mandal Surveyor also goes to show that the temple does not have land in Survey No.134 and it is the petitioner who is in possession and enjoyment of the said land in Survey No.134 to an extent of Ac.1.1 ½ guntas. He also

submits that without any basis the subject lands were included as Endowments land in IGRS website under Section 43 of the Act.

On the other hand, learned Government Pleader for Revenue as well as learned Standing Counsel for 7th respondent-temple submits that any rectification of the entries in the register maintained under Section 43 of the Act can be done by the Tribunal on an application under Section 45 of the Act.

No doubt, the documents filed in the writ petition goes to show that the subject property is included in the register maintained under Section 43 of the Act basing on a Pahani issued by the Village Secretary. But, the fact remains that the petitioner has remedy under Section 45 of the Act.

All the aforesaid facts require verification. Since the petitioner has alternate efficacious remedy, this Writ Petition is disposed of granting liberty to the petitioner to file application under Section 45 of the Act by placing necessary material referred to above and the Tribunal shall consider and dispose of the same, in accordance with law, within a period of six months from the date of filing application by the petitioner. No order as to costs.

As a sequel thereto, miscellaneous applications, if any pending in the Writ Petition, shall stand closed.

A.RAJASHEKER REDDY, J

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