

HON'BLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION Nos.41346, 41353 AND 41661 OF 2022

COMMON ORDER:

Heard Mr. Rapolu Bhaskar, learned counsel for the petitioner in all the writ petitions, Mr. J.R.Manohar Rao, learned Standing Counsel for respondent No.6 Temple, learned Government Pleader for Endowment appearing on behalf of respondent Nos.1 and 2 and learned Assistant Government Pleader for Revenue appearing on behalf of respondent Nos.3 to 5.

2. W.P. No.41346 of 2022 is filed by Mr. Shavva Balaiah to declare the action of respondent Nos.4 to 6 in interfering with his peaceful possession and enjoyment over the land admeasuring Acs.12-36 guntas in Survey Nos.90, 91, 92, 99 and 100, situated at Cherkur Revenue Village Sivar, Veldanda Mandal, Nagarkurnool District, as illegal.

3. W.P.Nos.41353 and 41661 of 2022 are also filed by the respective petitioners seeking the very same relief.

4. All the petitioners in the writ affidavit contended that they are the pattadars of agricultural land to an extent of Acs.12-36 guntas in Survey Nos.90, 91, 92, 99 and 100, situated at Cherkur Revenue Village Sivar, Veldanda Mandal, Nagarkurnool District. Being sole legal heirs of their fathers, they have been cultivating the subject lands since 1986 without any interruption from anybody in the Village. They had also dug the bore-wells and cultivating the subject lands and eking out their livelihood. Thus, they are depending on the subject lands.

5. All of them have also contended that their fathers approached the Revenue Authorities by way of making applications for grant of patta under Section - 38E of the Telangana Tenancy and Agricultural Lands Act, 1950, but they were not considered. However, a *panchanama* dated 10.05.2021 was conducted by Girdavar/Mandal Revenue Inspector of Veldanda Mandal, wherein it is specifically mentioned about their possession over the subject lands. Without considering the same, respondent Nos.2 to 6 are trying to dispossess the petitioners from the subject lands. Therefore, the aforesaid writ petitions.

6. On the other hand, learned Assistant Government Pleader for Revenue had produced the written instructions of Tahsildar, Veldanda Mandal, wherein it is stated that in revenue records i.e., Khasra Pahani for the year 1954-55, it is found that Sy.Nos.90, 91, 92, 99 and 100 is classified as 'patta lands' held in the name of Sri Laxman Rao, son of Narsing Rao as landlord/pattadar. On verification of old ROR for the year 1979-80 and Form-1 (ROR) for the year 1989-90, the total extent of the land covered the aforesaid survey numbers was recorded in the name of Lord Venkateshwara Swamy situated within the limits of Cherkur Village of Veldanda Mandal, Nagarkurnool District i.e., respondent No.6 herein. The above said land is Endowment land and it is not Inam land. Therefore, the request of the petitioners is not considered as per the Telangana Tenancy and Agricultural Lands Act, 1950.

7. The Assistant Commissioner, Endowments Department, Mahabubnagar District, has produced written instructions, wherein it is mentioned that the land in Survey Nos.90, 91, 92, 99 and 100, admeasuring Acs.52.15 guntas, situated at Cherkur Village of

Veldanda Mandal belongs to Sri Venkateshwara Swamy Temple, Cherkur Village of Veldanda Mandal i.e., respondent No.6 herein. The said fact is also mentioned in the Online Dharani portal and also revenue records. Therefore, the contention of the petitioners that they are the absolute owners and possessors of the subject lands is untenable.

8. Whereas, learned counsel appearing for respondent No.6 had produced old pattadar pass book and would submit that respondent No.6 is the absolute owner and possessor of the land admeasuring acs.10.35 guntas in Survey No.90; admeasuring Acs.10-36 guntas in Survey No.91; admeasuring Acs.8.04 guntas in Survey No.92; admeasuring Acs.11-39 guntas in Survey No.99; and admeasuring Acs.10-31 guntas in Survey No.100, making a total extent of Acs.52-25 guntas of Cherkur Village of Veldanda Mandal. Respondent No.6 Temple is in possession of the aforesaid land. Therefore, according to respondent No.6, the petitioners are not having any right over the said land.

9. As stated above, the petitioners herein have filed copy of P.T. Register, wherein in possessor's column, the name of one Mr. Sama Chinna Sayanna is mentioned in respect of Survey Nos.91 of Cherkuru village admeasuring Acs.10-25 guntas. Referring to the same, the petitioner in W.P. No.41661 of 2022 i.e., Shama Ramulu, claims that his father Chinna Sayanna was the protected tenant in respect of the aforesaid property. Similar proceedings were filed in respect of Survey No.90 admeasuring Acs.10.25 guntas. The petitioners have also filed copies of Dharani status in respect of the aforesaid land, wherein the name of respondent No.6 is mentioned.

10. To show that the petitioners are in possession of the subject land, they are relying on the *panchanama* dated 10.05.2021 conducted by the Mandal Girdavar of Veldanda Mandal. In the said *panchanama*, it is mentioned that survey was conducted by the Mandal Girdavar, and the Tahsildar was also present. The land in Survey No.91 of Cherkur village, the name of the pattadar was mentioned as Sri Venkateshwara Swamy Temple, and on the ground that Sama Ramulu, son of Chinna Sayanna is in possession of the land

and he is cultivating the same. There is standing crop. In respect of Survey Nos.92, 99 and 100, pattadar name is mentioned as Sri Venkateshwara Swamy Temple and legal heirs of Shella Hanmanthu and Ramaiah, son of Kashaiah and legal heirs of late Jangaiah, Sama Mallaiah, son of Hanmaiah, Sava Lakshamma, wife of late Chinna Mallaiah and Pedda Naraiah son of Ramaiah, Chinna Naraiah, son of Ramaiah and Balaiah son of Jangaiah and Parvathamma, wife of late Venkataiah are in possession of the property and they are cultivating the aforesaid land since several years. There is standing crop of red gram in the said land. While conducting *panchanama*, the Mandal Girdavar had also inquired with the owners of the abutting lands. There is no denial with regard to the aforesaid *panchanama* by the respondents in the written instructions. There is no denial to the said fact.

11. The aforesaid facts would reveal that the petitioners in all the aforesaid writ petitions are claiming right over the aforesaid property and also respondent No.6. The petitioners have relied upon the aforesaid P.T. certificate and the *panchanama* dated 10.05.2021,

whereas respondent No.6 is claiming right over the aforesaid property basing on the aforesaid pattadar pass book in respect of Acs.52.15 guntas. The petitioners herein have also filed photographs to show that they are in possession of the property and there is standing crop.

12. Learned Government Pleader for Endowments, on instructions, would submit that the pleadings of the petitioners in all the writ petitions are same and all of them are claiming that they are the absolute owners and possessors of the land i.e., Acs.12-36 guntas in Survey Nos.90, 91, 92, 99 and 100. This Court cannot decide the aforesaid factual aspects in a writ petition filed under Article - 226 of the Constitution of India, since it is a question of fact.

13. In view of the aforesaid discussion and considering the rival contentions, these writ petitions are disposed of directing respondent No.4 i.e., the Revenue Divisional Officer, Kalwakurthy Division, to conduct inquiry by putting the petitioners, respondent No.6 Temple and all affected parties and affording them an opportunity of hearing and pass a reasoned order. Liberty is also granted to the petitioners to file copies of the *panchanama* dated

10.05.2021 and P.T. Register and all other documents on which they are relying and the same shall be considered by the RDO. Respondent No.4 shall complete the entire exercise as expeditiously as possible, preferably within a period of four (04) weeks from the date of receipt of copy of this order. Till the said exercise is completed, respondent Nos.5 and 6 i.e., the Tahsildar, Veldanda Mandal and Sri Venkateshwara Swamy Temple, represented by its Executive Officer are directed not to dispossess the petitioners from the aforesaid lands. However, in the circumstances of the case, there shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending in the writ petitions shall also stand closed.

14th December, 2022
Mgr

K. LAKSHMAN, J