[ 3385 ]

**HIGH COURT FOR THE STATE OF TELANGANA**
**AT HYDERABAD**

WEDNESDAY ,THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SMT. JUSTICE K. SUJANA**

**CIVIL REVISION PETITION NO: 681 OF 2023**

Petition filed under Section 28 of AP (TA) Abolition of Inams Act, 1955 aggrieved by the Order dated 13.01.2023 passed in Appeal No. F2/1368/2017 on the file of the Additional Collector (Revenue), Wanaparthy, Nagarkurnool District.

**Between:**

Setti Rachaiah, S/o. Veeraiah, aged about 60 years, Occ. Agriculture, R/o. Janumpally Village, Kodair Mandal, Nagarkurnool District.

**...Petitioner**

**AND**

1. K. Chandra Shekaraiah, S/o. Keshavulu, Aged about 77 years, the President of The Managing Trustee of Shivalayam Temple, Janumpally village, Kodair Mandal, Nagarkurnool District.
2. P. Janaki Ramulu, S/o. Krishnaiah, aged about 65 years, Secretary of Lors Shivalayam Temple, R/o. Janumpally village, Kodair Mandal, Nagarkurnool District.

**...Respondents**

**I.A. NO: 2 OF 2023**

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the impugned proceedings issued by the 2nd respondent in file No. F2/1368/2017, dated 13/01/2023 by continuing the Dharani passbook of the petitioner vide Khata No. 512 in respect of the land in Sy. No. 3, admeasuring Ac.7.05 guntas situated at Janumpally village, Kodair Mandal, Nagarkurnool District, pending disposal of main Writ Petition.

**Counsel for the Petitioner : Sri M. Damodar Reddy**

**Counsel for Respondent No.1 : Sri Vijay B. Paropakari**

**Counsel for Respondent No.2 : None appeared**

**The Court made the following: ORDER**

**THE HONOURABLE SMT. JUSTICE K: SUJANA**

**CIVIL REVISION PETITION No.681 of 2023**

**O R D E R**:

Aggrieved by the order, dated 13.01.2023 in Appeal No.F2/1368/2017 passed by the Additional Collector (Revenue), Nagarkurnool District, the present Civil Revision Petition is filed.

**2.** The Appeal No.F2/1368/2017 is filed under Section 24 (1) of Telangana State Abolition of Inams Act, 1955 by the respondents/appellants aggrieved by the order of the Revenue Divisional Officer, Nagarkurnool, in File No.I/2140/1997, dated 10.09.1997 in issuing Occupancy Right Certificate (ORC) in respect of land bearing Sy.No.284/1 admeasuring 7.05 guntas and Sy.No.194 admeasuring Ac.1.09 guntas situated at Janumpally Village of Kodair Mandal, Nagarkurnool District to the petitioner/respondent stating that the dry land in Sy.No.284/1 to an extent Ac.07.05 guntas and the wet land in Sy.No.194 to an extent of Ac.01.09 guntas situated at Janumpally village of Kodair Mandal belongs to Shivalayam Temple of Janumpally village and the

Temple Committee is looking after the land for running the temple, to perform pooja, for maintenance of temple and its priest and they are cultivating since long time. It is further stated that recently due to political disputes in the village, the petitioner/ respondent tried to interfere over the said lands and also tried to occupy the same in the guise that the land belong to him and the Revenue Divisional Officer, Nagarkurnool, granted ORC to him and the petitioner/respondent questioned the title of the said lands claiming that it is his land and not the temple land. As such, the respondents/ appellants being President and Secretary of the Temple Committee verified the records and obtained certified copy of ORC issued by the Revenue Divisional Officer, Nagarkurnool and the petitioner/respondent played fraud on the revenue authorities in obtaining ORC certificate without the knowledge of Temple Committee and entire villagers and by misrepresenting the facts before the Revenue Divisional Officer, Nagarkurnool. After coming to know about the same, the respondents/appellants obtained certified copies of ORC and filed the appeal on behalf of the Temple seeking for cancellation of ORC issued by the Revenue

Divisional Officer, Nagarkurnool in File No.I/2140/ 1997, dated 10.09.1997 in favour of the petitioner.

**3.** The contention of the respondents/appellants before the Additional Collector (Revenue), Nagarkurnool, is that the said lands belong to Shivalayam Temple and it is not a private property. Further, the petitioner/respondent is trying to alienate the subject lands to the third persons and to leave the village, therefore, prayed the Additional Collector (Revenue), Nagarkurnool, to cancel the ORC certificate issued by the Revenue Divisional Officer, Nagarkurnool, in File No.I/2140/1997, dated 10.09.1997 in favour of the petitioner/respondent.

**4.** The Assistant Commissioner, Endowments Department, Mahabubnagar, has filed the counter before the Additional Collector (Revenue), Nagarkurnool, stating that the subject lands belong to Shivalayam Temple of Janumpally village of Kodair Mandal, which was registered under Section 43 of Telangana Charitable Hindu Religious Institutions and Endowment Act 30/1987 *vide* Registration in RDOs No.B/ 1369/2009, dated 08.09.2009 and the same is maintained

and looked after by the Temple Committee of Lord Shiva, Janumpally Village. The above temple is under Endowment Department and the poojas were used to be conducted by Archakas from times immemorial and the petitioner/ respondent is also Archaka of the temple.

**5.** The petitioner/respondent has filed the counter before the Additional Collector (Revenue), Nagarkurnool, denying the averments of the respondents/appellants and stated that the Revenue Divisional Officer, Nagarkurnool, while issuing ORC Certificate *vide* Ref.No.I/2140/97, dated 10.09.1997 in respect of land bearing Sy.No.284/1 admeasuring Ac.7.05 guntas of Janumpally village of Kodair Mandal, had observed that the land was purchased by the petitioner/respondent from its original Inamdars Thammalla Krishnaiah and Thammalla Veeriah on 01.05.1973 for consideration of Rs.3,500/- through simple sale deed and delivered possession of the said lands to the petitioner/ respondent and since then he is cultivating the above lands and the Shivalayam Temple has no right to claim the said property. Since it is inam lands, the petitioner/respondent applied to get ORC from the Revenue Divisional Officer, Nagarkurnool, who in turn

ordered the Mandal Revenue Officer, Kodair to enquire the matter and to file his report. After conducting enquiry only, the possession of the subject lands was confirmed in favour of petitioner/respondent. Therefore, there is no illegality in the order of the Revenue Divisional Officer, Nagarkurnool, in File No.I/2140/1997, dated 10.09.1997, hence, prayed to dismiss the appeal.

**6.** The Additional Collector (Revenue), Nagarkurnool, after hearing both the sides, has allowed the appeal by setting aside the ORC, dated 10.09.1997 granted in File No.I/2140/1997 by the Revenue Divisional Officer, Nararkurnnol and remitted back the matter for conducting enquiry afresh and to pass appropriate orders duly providing adequate opportunity of hearing both the parties under the Provisions of TS Abolition and Inams Act, 1955. Aggrieved by the same, the petitioner/respondent filed the present Civil Revision Petition.

**7.** Heard Sri M.Damodar Reddy, learned counsel appearing on behalf of the petitioner and Sri Vijay B.Paropakari, learned

counsel appearing on behalf of respondent No.1. Perused the material available on record.

**8.** Learned counsel for the petitioner/respondent submits that the order, dated 13.01.2023 in Appeal No.F2/1368/2017, is illegal and the statutory period prescribed under Section 24 of T.S. Abolition of Inams Act, 1955 is only one month from the date of granting of the ORC and without appreciating the inordinate delay of twenty six years in filing the appeal, erroneously allowed the appeal and remanded the matter to the Revenue Divisional Officer, Nagarkurnool, for conducting fresh enquiry. The Additional Collector (Revenue), Nagarkurnool, failed to see that though the respondents have not challenged the said ORC, they erroneously approached the Tahsildar and obtained the ROR proceedings, dated 28.06.2019 in the name of the temple, without any notice and opportunity to the petitioner. However, the respondents, without challenging the orders of the Revenue Divisional Officer, Nagarkurnool, approached the Additional Collector (Revenue), Nagarkurnool, by filing the statutory appeal and the same is not in accordance with law. Therefore, learned counsel prayed this Court to set aside the

order, dated 13.01.2023 in Appeal No.F2/1368/2017 passed by the Additional Collector (Revenue), Nagarkurnool District.

**9.** Learned counsel for the respondents submits that a person to be qualified to claim ORC must show that the land, to which the application for grant of ORC is made, was in his possession on the date of vesting. A purchaser or a successor in interest is not entitled or qualified to apply for grant of ORC. In the instant case, the application for grant of ORC is admittedly made in the year, 1997 and therefore, the ORC granted by the primary authority hit by proviso to Section 4 of the Endowments Act. In terms of Section 3 (1) of the T.S. Abolition of Inams Act, 1955, all the Inams stood abolished with effect from 20.07.1955 and vested in the Government free from all encumbrances till the date vesting i.e., 01.11.1973. It is further submitted that the ORC granted in favour of an individual in respect of the properties held by a religious institution ensures to the benefit of the institution. Even otherwise the institution has every right to obtain ORC. Therefore, this Civil Revision Petition is not maintainable. Hence, prayed this Court to dismiss the Civil Revision Petition.

**10.** The Additional Collector (Revenue), Nagarkurnool, while passing the order, dated 13.01.2023 in Appeal No.F2/1368/2017, has observed that as per the Sethwar for the year 1954-44, the land bearing Sy.No.194 (Ac.1-09 guntas) and Sy.No.284 (Ac.7.05 guntas) is classified as "Seri Inam" and recorded in the name of "Eshwaruni Inam Chalka". It is further observed that the Assistant Commissioner of Endowments, Mahabubnagar, in his counter has stated that the above subject lands belong to Shivalayam Temple of Janumpally village of Kodair Mandal and it was registered under Section 43 of Telangana Charitable Hindu Religious Institutions and Endowments Act 30/1987 and the same is looked after by the Temple Committee of Shivalayam, Janumpally Village of Kodair Mandal. As per Section 3(1) of the T.S.Abolition of Inams Act, 1955, all the Inams have been abolished and vested in Government w.e.f. 20.07.1955, therefore, the person, who is said to be in occupation of Inam Land, is not eligible to sell the Inam land in favour of third person unless ORC is granted by the Competent Authority. It is further observed that as per the material available on record, the subject lands are classified as "Seri Inam" and

stood in the name of "Eshwaruni Inam Chalka" and as per Section 4(1) of T.S. Abolition and Inams Act, 1955, the Inam lands held by or for the benefit of charitable and religious institutions, no persons shall be entitled to be registered as an Occupant under Sections 5 to 8 and the Institution alone shall be entitled to be registered as an Occupant of all Inams. Thereby, the Additional Collector (Revenue), Nagarkurnool, has allowed the appeal by setting aside the ORC, dated 10.09.1997 granted in File No.I/2140/1997 of the Revenue Divisional Officer, Nagarkurnool in respect of land in Sy.No.194 (Ac.1.09 guntas) and Sy.No.284 (Ac.7.05 guntas) of Janumpally Village of Kodair Mandal and remitted back the matter for conducting fresh enquiry and to pass appropriate orders duly providing adequate opportunity to both the parties under the provisions of T.S. Abolition of Inams Act, 1955.

**11.** Having regard to the rival submissions made by respective parties and the material on record, it is evident that there is serious title dispute with regard to the subject lands. The respondents have filed the appeal stating that it is a temple land and the Assistant Commissioner of

Endowment, Mahabubnagar, stated that the subject lands are registered lands under Section 43 of Telangana Charitable Hindu Religious Institutions and Endowment Act 30/1987 *vide* Registration in RDOs No.B/1369/2009, dated 08.09.2009. Further, as seen from the record and as observed by the Additional Collector (Revenue), Mahabubnagar that in the Sethwar for the year 1954-55, the subject lands are classified as 'Seri Inam' and recorded in the name of 'Eshwaruni Inam Chalka', and therefore, how the property was went to the hands of the private parties has to be verified by the Revenue Divisional Officer. As per the provisions of the T.S. Abolition of Inams Act, 1955, the Inamdar cannot sell the subject lands without obtaining occupancy rights. Further, there is no mention regarding the same, as such, the Additional Collector (Revenue), Nagarkurnool District, has rightly remanded the matter to the Revenue Divisional Officer, Nagarkurnool, with a direction to conduct fresh enquiry. Hence, there is no illegality in the order, dated 13.01.2023 in Appeal No.F2/1368/2017. Therefore, there are no merits in the present Civil Revision Petition and the same is liable to be dismissed.

**12.** Accordingly, this Civil Revision Petition is dismissed. There is no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

**Sd/- C. PRAVEEN KUMAR**
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Additional Collector (Revenue), Wanaparthy, Nagarkurnool District.
2. One CC to Sri M. Damodar Reddy, Advocate [OPUC]
3. One CC to Sri Vijay B. Paropakari, Advocate [OPUC]
4. **Two CD Copies**

Njb

CFJR

**HIGH COURT**

**DATED:21/02/2024**




**ORDER**

**CRP.No.681 of 2023**

**DISMISSING THE CRP WITHOUT COSTS**

(6) CHR 16/3/24