

HIGH COURT OF ANDHRA PRADESH AT AMARAVATIMAIN CASE NO.: **W.P.No.8196 of 2022**PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
1	30.03.2022	<u>NV,J</u> Heard learned counsel for the petitioners, learned Government Pleader for Endowments appearing for respondent Nos.1,2 & 5, learned standing counsel for respondent Nos.6 and 7, and learned Government Pleader for Revenue appearing for respondent Nos.3 and 4. The present writ petition is filed to declare the action of respondent Nos.5 to 7 in trying to dispossess the petitioners from their house plot Nos.1 to 30 respectively situated in Sy.No.225/2 of Ongole Town and Mandal, Prakasam District, which are covered by DK patta dated 30.06.2002, as illegal and arbitrary. Learned counsel for the petitioners contends that the petitioners were assigned house sites by way of DK pattas as per the procedure contemplated under the Assignment Laws and further, the alienation was confirmed by way of issuance of possession certificates by the 4th respondent Tahsildar in favour of all the petitioners and since then, the petitioners have been in possession of the respective house site plots alienated in their favour. He further contends that in spite of all these proceedings, the respondent authorities are interfering with the possession of the petitioners on the pretext that the subject land forms part of the land belonged to the 6th respondent temple and the said land is part of Sy.No.225 which is vested with the Endowment Department by virtue of	

	statutory register maintained under Section 43 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short "the Act"). Learned standing counsel contends that the entire land in Sy.No.225 situated at Ongole town is vested with the 5th respondent temple and the same was registered at the Register of the Temple maintained under Section 43 of the Act. Once a property is registered at its register, it is the property of the Endowments Department and it cannot be amenable for any type of alienation, more particularly, by way of DK pattas, without obtaining prior permission from the High Court, pursuant to the judgment rendered in W.P.No.11812 of 2005. As such, the revenue record and DK pattas granted by the Revenue authorities are nothing but creation by them, contrary to the Register of the Department of Endowments. Hence, the petitioners are not entitled to any interim relief as prayed for. Contrary to the contentions of the learned standing counsel, learned counsel for the petitioners placed on record some documentary evidence stating that the Tahsildar issued proceedings wherein it is clearly indicated that the land to an extent of Ac.1.78 cents in Sy.No.225/2 is a revenue poramboke land and it does not belong to the respondent temple and Endowment Department. As such, they are empowered to grant DK pattas to the houseless poor like the petitioners. Having considered the submissions made by both the learned counsels, this Court is of the opinion that there is a title dispute with regard to the subject land between two Departments. But, prima facie, the possession of the petitioners was proved in respect of their	
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		respective house plots. In view of the above, the respondents, more particularly respondent Nos.5 to 7 are directed not to interfere with the petitioners' peaceful possession over plot Nos.1 to 30 in Sy.No.225/2 of Ongole Town and Mandal, Prakasam District, for a period of four weeks. List the matter on 19.04.2022 to enable the learned counsel for the respondents to file counters along with the relevant material to substantiate their claim. NV, J cbs	
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