

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

WEDNESDAY, THE THIRTEITH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

: PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 8196 OF 2022



Between:-

1. PurimitlaSrinivasulu S/o. Kotilingam
Aged 48 years, R/o. Valletivaripalem
Z. UppalapaduMandal, Prakasam District.
2. PurimitlaHaribabu S/o. Kotilingam
Aged 41 years, R/o. 6-68, Z uppalapadu
Kondasamudram, ValetivaripalemMandal
Prakasam District - 523116.
3. KattaSubbaRao S/o. Venkateswarlu
Aged 48 years, R/o. 3-11, Ramalayam Temple
Yenikapadu Post &Mandal
Prakasam District.
4. AkulaVenkataShivakrishna S/o. Yalamandaiah
Aged 35 years, R/o. Shivanagar, Yenikapadu
Prakasam District.
5. SingarajuGuruswamulu S/o. Ramulu
Aged 44 years, R/o. 2-9(1)
Enikapadu Post &Mandal
Prakasam District.
6. AnumoluHaribabu S/o.SubbaRao
Aged 32 years, R/o. 6-387-78/B,
Sriram Colony, 5th Line, Kurnool Road
Ongloe, Prakasam District.
7. SingarajuNagaraju S/o. Kotilingam
Aged 45 years, R/o. 9-2-45, Kothapet
Near Old Post Office, Ongole
Prakasam District.
8. Dora Naidu S/o. Subbarayudu
Aged 38 years, R/o. 6-239, Gandhinagar
Beside Prathiba College, Ongole
Prakasam District.
9. Devanaboina Ramakrishna S/o. Balakotaiah
Aged 44 years, R/o. 35-3-69/359
Vijayanagar Colony, Ongole
Prakasam District.
10. AnneboinaVenkataiah S/o. Musalaiah
Aged 43 years, R/o. 1-94-G, Gopalnagar 4th Line
Near Gauthami School, Ongole
Prakasam District.

11. PujariMuniratnam S/o. Krishna Reddy
Aged 36 years, R/o. 19-1-16
ChinthalaCheru, Tirupati Rural
Chittoor District.
12. ShaikHabeeb S/o. BudeSaheb
Aged 53 years, R/o. 37-1-159(15)
Islampet-2, 5th Lane, Ongole
Prakasam District.
13. ShaikJilani S/o. ShaikSulthanBasha
Aged 38 years, R/o. 1-103-4, Gopalnagar,
4th Line, Ongole, Prakasam District.
14. Purimitla Ravi Kumar S/o. Kotilingam
Aged 40 years, R/o. 11-27, Oletivaripalem
Z.UppalapaduMandal, PrakasamDisrict.
15. Smt. ChinthabathinaKumari W/o. Venkateswarlu
Aged 45 years, R/o. 11-84, Oletivaripalem
Z.UppalapaduMandal, PrakasamDisrict.
16. Smt. PurimitlaChinnamma W/o. Adishesu
Aged 59 years, R/o. 11-74, Valetivaripalem
Z.Uppalapadu, Polinicheruvu, Prakasam Dist.
17. ChinthabathinaYalamandaiah S/o. Kotaiah
Aged 70 years, R/o. Voletipalem
Z.Uppalapadu, Prakasam District.
18. ShaikMoulali S/o. Gafoor
Aged 55 years, R/o. 1-969/1, Plot No.216A
Near Masjid, BalineniBharth Colony
Ongole, Prakasam District.
19. Smt. AnneboinaPeddakka W/o.Venkataiah
Aged 38 years, R/o. 1-94-G, Gopalnagar 4th Line
Near Gauthami School, Ongole, Prakasam Dist.
20. PavuluriRamarao S/o. Subbarao
Aged 48 Years, R/o. 13-175
Uppugundur Post &Mandal
PrakasamDisrict
21. Smt. ShaikKarimunneshBegum D/o. BudeSaheb
Aged 51 years, R/o. 37-1-159-15, Islampet-2
Ongole, Prakasam District.
22. Smt. SunkaraSaraswathi W/o. Chenchu Rami Reddy
Aged 61 years, R/o. 3-51, Karedu
Ulavapadu, Prakasam District.
23. NuthalapatiThirumalaRao S/o Venkateswarlu
Aged 58 years, R/o. 8-406, Near Anjaneya Temple
Mangamoor Road, Ongole, PrakasamDisrict.

24. Smt. JanapatiAnnamma W/o. Anjaiah
Aged 47 years, R/o. KothaChirvanjuppalapadu
Chieervanuppalapadu, Prakasam District.
25. Smt. MaddumalaYogamma W/o. VenkataSeshaiah
Aged 56 years, R/o. 4-17, Main, PedaAmbadipudi
Ballikurava, Prakasam District.
26. KattaSriramulu S/o. Jalaiah
Aged 68 years, R/o.3-28-32, Jawaharnagar
7th Ward, Perala, Cherala, Prakasam District.
27. MedikondaKrishnaiah S/o. China Kondaiah
Aged 48 years, R/o. Kusumanchi
Prakasam District.
28. Smt. ShaikSharmila W/o. Basha
Aged 44 years, R/o.42-1-198(6)
Kammanapalem, Near NTR Statue
Ongole, Prakasam District.
29. Smt. PasumarthiVenkayamma W/o.Malakondaiah
Aged 60 years, R/o. Pakala Post
Prakasam District.
30. Smt. MedikondaAchamma W/o. Kondaiah
Aged 60 years, R/o.53-1-26, Cloughpeta
Ongole, Prakasam District.

.... Petitioners

AND

1. The State of Andhra Pradesh
Rep by its Principal Secretary
Endowment Department
State Secretariat, Velagapudi
Guntur District, Andhra Pradesh
2. The Commissioner of Endowments
Government of Andhra Pradesh
Gollapudi, Vijayawada, Andhra Pradesh.
3. The District Collector
Prakasam District
Ongole, Andhra Pradesh
4. The Tahsildar
OngoleMandal
Ongole, Prakasam District.
5. The Assistant Commissioner of Endowments
Ongole, Prakasam District.
6. Sri KasiVisweswaraSwamyDevasthanam
Ongole, Prakasam District.
Rep. by its Executive Officer

7. The Chairman, Sri Kasi Visweswara Swamy Devasthanam, Ongole, Prakasam District.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the actions of respondents more particularly the respondents 5 to 7 in trying to dispossess the petitioners from their house Plot Nos. 1 to 30 respectively situated in Survey No. 225/2 Ongole town, Ongole Mandal Prakasam District covered by Patta No. DK 190/F/1411, dated 30.06.2002 as illegal arbitrary and violative of Art. 14, 19, 21 and 300-A of Constitution of India apart from being violative of principles of natural justice and consequently direct the respondents not to interfere with the petitioners peaceful possession and enjoyment of Plot No 1 to 30 in Survey No. 225/2 Ongole Town, Ongole Mandal, Prakasam District

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to interdict the respondents more particularly the respondents 5 to 7 from interfering with the petitioners peaceful possession over Plot No. 1 to 30 in Survey No. 225/2 of Ongole Town, Ongole Mandal, Prakasam District covered by Patta No. DK No. 190/F/1411 dated 30.06.2002, pending disposal of WP 8196 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of M/S INDUS LAW FIRM Advocate for the Petitioners, and of GP FOR ENDOWMENTS for Respondent Nos.1, 2 & 5, learned standing counsel for respondent Nos.6 and 7, GP FOR REVENUE for Respondent Nos.3 and 4, the Court made the following.

ORDER:

“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 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."

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Sd/-T.Madhavi
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary Endowment Department, State of Andhra Pradesh, State Secretariat, Velagapudi Guntur District, Andhra Pradesh
2. The Commissioner of Endowments, Government of Andhra Pradesh Gollapudi, Vijayawada, Andhra Pradesh.
3. The District Collector, Prakasam District Ongole, Andhra Pradesh
4. The Tahsildar, OngoleMandal Ongole, Prakasam District.
5. The Assistant Commissioner of Endowments, Ongole, Prakasam District.
6. Executive Officer, Sri Kasi Visweswara Swamy Devasthanam, Ongole, Prakasam District.
7. The Chairman, Sri Kasi Visweswara Swamy Devasthanam, Ongole, Prakasam District. (Addresses 1 to 7 by RPAD)
8. One CC to SRI. M/S INDUS LAW FIRM Advocate [OPUC]
9. Two CCs to GP FOR ENDOWMENTS ,High Court Of Andhra Pradesh. [OUT]
10. Two CCs to GP FOR REVENUE, High Court of AP [OUT]

HIGH COURT

NVJ

DATED:30/03/2022

POST ON 19-04-2022

ORDER

WP.No.8196 of 2022

DIRECTION

