

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE No.W.P.No.33284 of 2023

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
01	28.12.2023	<u>RC,J</u> <u>W.P.No.33284 of 2023</u> Notice before admission. Smt.P.Padmavathi, learned Standing Counsel takes notice on behalf of respondent Nos.5 & 6. Smt.P.Rajini, learned Government Pleader for Endowments takes notice on behalf of respondent Nos.2 to 4. Learned Government Pleader for Revenue takes notice on behalf of respondent Nos.1, 7 to 10. Post on 03.01.2024. RC, J <u>I.A.No.1 of 2023</u> Learned counsel for the petitioner submitted that the executive officer without having jurisdiction issued notice under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (in short the Endowments Act), thereby	Contd...

	directed the petitioner to vacate from the subject property as the property is an private property and does not belong to the temple. If such notice is allowed to materialize, not only it affects the rights of the petitioners but also amounts to miscarriage of justice, as such, prayed to pass appropriate orders protecting the interests of the petitioners. On the other hand, Smt.P.Rajini, learned Government Pleader for Endowments submits that by virtue of amendment to the petition, the Executive Officer has jurisdiction to issue notice. The petitioner has already submitted an explanation and the authority yet to pass final orders. If at all the petitioner is aggrieved by that order, he can always approach the concerned authority under the provisions of 83 (6) of the Endowments Act. There is no urgency for passing any interim orders at this stage. As such, sought time for filing a detailed counter. Whether the Executive Officer has power to issue the said eviction notice and whether he can adjudicate the same or not, this Court has to adjudicate for which a detailed counter is required. However, to meet the ends of justice, this Court is inclined to pass the following order:- “The Executive Officer may proceed with	Contd...
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	the enquiry and no orders shall be passed for a period of four (04) weeks.” RC, J <u>I.A.Nos.2, 3 & 4 of 2023</u> Heard. Sri M.R.K.Chakravarthy, learned counsel for the petitioner in elaboration contended that without any notice to the petitioners the revenue authorities incorporated the temple name in the revenue records contrary to the provisions envisaged under the Andhra Pradesh Right to Land and Pattadhar Passbook Act, 1971. If such mutation is allowed to continue, it affects the rights of the petitioners, as such, prayed to pass appropriate orders protecting the interests of the petitioners. Learned counsel further submitted that the petitioners grandfathers name found place in revenue records and having knowledge about the same, without issuing any notice as contemplated under the provisions of Sections 4 & 5 of the Andhra Pradesh Right to Land and Pattadhar Passbook Act, 1971, the authorities cannot alter the names, as such prayed to pass appropriate orders protecting the interests of the petitioners. <i>Prima facie</i>, a point has been made out for	Contd...
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		consideration. A detailed counter is required to be invited. As such, this Court is inclined to pass the following interim order:- “The revenue authorities are directed to put the subject property in the dispute register, pending further orders.” RC, J RKS	
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