

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

MONDAY, THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO: 21242 OF 2023

Between:

1. Dodla Vijaya Kumar, S/o. Polaiah, Aged about 42 years, Occ: Employee, Presently residing at USA represented by GPA Holder D.Polaiah, S/o. Narsaiah, aged about 67 years, Occ: Business, R/o.H.No.16-7-242, Dayannad Colony, Warangal.
2. Bathini Srinivasa Rao, S/o. China Venkataiah, Aged about 56 years, Occ: Business, R/o.H.No.3-10-199, Reddy Colony, Hanamkonda, Warangal.
3. Dhannala Bhagyalaxmi, W/o. Venkataiah, aged about 60 years, Occ: Housewife, R/o.H.No.16-3-921, Fort Road, Ramannapet, Warangal.
4. Dhannala Venugopal, S/o. Venkataiah, aged about 36 years, Occ: Employee, R/o.H.No.2-5-305/1, Nakkalagutta, Hanamkonda, Warangal.
5. Bathini Venu Gopal Rao, S/o. Chinna Venkataiah, aged about 51 years, Occ: Business, R/o.H.No.11-25-710/A, Kothawada, Warangal.
6. Bathini Sunitha, W/o. Venugopal Rao, aged about 45 years, Occ: Housewife, R/o.H.No.11-25-710/A, Kothawada, Warangal.

Petitioners

AND

1. The State of Telangana, Rep. by its Principal Secretary, Endowments Department, Secretariat, Hyderabad.
2. The Commissioner, Endowments Department, Warangal.
3. The Assistant Commissioner, Endowments Department, Warangal.
4. Sri Govindaraja Swamy Temple, Rep by its Executive Officer, Station Road, Warangal.

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 an order or orders or direction or writ more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents No. 3 and 4 treating the petitioners are encroachers into land bearing No.15/1 when the petitioners are in possession and enjoyment of their land in Sy.No.15/2 of Girmajipet, Warangal and demolishing the compound wall and sheds belonging to the petitioner on 05-08-2023 as illegal, arbitrary, malafide, intentional, opposed to principles of natural justice and contrary to the directions given in OA.No.743/2010 passed by Endowment Tribunal and consequently direct the respondents to follow due process of law in the interests of justice;

I.A. NO. 2 OF 2023:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in the writ petition, the High Court may be pleased to pass further orders by directing the survey to be conducted in the presence of an advocate commissioner having substantial standing at the bar in the interests of justice, pending disposal of WP No. 21242 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and the affidavit filed therein, and the order of the High Court dated 07-8-2023 made herein, and upon hearing the arguments of Sri K.V.Bhanu Prasad, Senior Counsel rep. Sri K. Sai Sri Harsha, Advocate for the petitioners, of Sri S.Venkat Ramana, Govt. Pleader for Endowments, for the Respondents No.1 to 3, and of Sri J.R.Manohar Rao, Standing Counsel for the Respondent No.4, the Court made the following;

ORDER:

“Heard Sri K.V.Bhanu Prasad, learned Senior counsel who is representing Sri K.Sai Sri Harsha, learned counsel on record for the petitioners as well as Sri S.Venkat Ramana, learned Government Pleader for Endowments, who is representing Respondent Nos.1 to 3.

Sri J.R.Manohar Rao, learned Standing Counsel, is representing Respondent No.4-Temple.

Making his submission with regard to the merits of the matter, learned Senior counsel appearing for the petitioners states that this Court, through orders dated 07.08.2023, ordered for conducting a survey in the presence of petitioners. Learned counsel states that as the subject property is located in a prime locality at Warangal, the persons who are behind the Endowments Department are misleading the survey and therefore, an Advocate Commissioner may be appointed in whose presence the survey would proceed.

The submission of learned Government Pleader for Endowments, on the other hand, is that part of the survey is completed and Panchanama was also drafted and as the sub-divisions could not be done, the survey is postponed.

By the said submission, it is clear that the survey is yet to be concluded and further proceedings are pending.

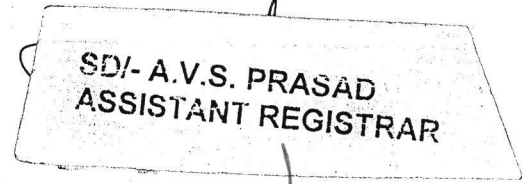
In the light of the consensus arrived at between the learned counsel for petitioners and the learned Government Pleader for Endowments regarding the learned Advocate to be appointed as Advocate Commissioner, Sri Katika Ravinder Reddy is appointed as Advocate Commissioner. The survey be carried out in the presence of

Sri K.Ravinder Reddy. The Endowments Department is directed to issue notice to the learned Advocate Commissioner as well as to the petitioners before proceeding with further survey. The fee of the learned Advocate Commissioner is fixed at Rs.50,000/- (Rupees Fifty Thousand Only) as stated by the learned counsel for petitioners. Petitioners to pay the fee to the learned Advocate Commissioner. Commissioner to prepare a report with regard to the survey conducted and to submit. The report of the Endowments Department be also submitted.

In consonance of the orders dated 07.08.2023, respondents are directed to provide provision for access by the petitioners and their vehicles to the subject property.

List on 25.09.2023."

//TRUE COPY//



SECTION OFFICER

To,

1. The Principal Secretary, Endowments Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, Endowments Department, Warangal.
3. The Assistant Commissioner, Endowments Department, Warangal.
4. The Executive Officer, Sri Govindaraja Swamy Temple, Station Road, Warangal.
(Addressees 1 to 4 BY RPAD)
5. Sri Katika Ravinder Reddy, Advocate, High Court Bar Association, High Court Buildings Premises, Hyderabad (BY SPL. MESSENGER along with a copy of entire material papers)
6. One CC to Sri K. Sai Sri Harsha, Advocate [OPUC]
7. Two CCs to GP for Endowments, High Court for the State of Telangana, at Hyderabad [OUT]
8. One spare copy

HIGH COURT

DR.CSL,J

DATE: 21-08-2023

NOTE: POST ON 25-9-2023

ORDER

WP. NO. 21242 OF 2023

APPOINTMENT OF ADVOCATE COMMISSIONER

