

Andhra Pradesh High Court - Amravati

Between vs The State Of Andhra Pradesh on 24 May, 2023

IN THE HIGH COURT OF ANDHRA PRADESH: :AMARAVATI

THE HON'BLE SRI JUSTICE B. KRISHNA MOHAN

WRIT PETITION No.8233 of 2023

Between:

Karampudi Chennakesava Rao, S/o.Anjaneyulu,
Aged about 64 Years,
R/o.D.No.2-184, Vykuntapuram Village,
Amaravati Mandal, Guntur District,
Andhra Pradesh.

..... Petitioner

And

The State of Andhra Pradesh,
Rep by its Principal Secretary,
Revenue (Endowments) Department,
Secretariat, Velagapudi, Amaravathi,
Guntur District and 5 others

..... Respondents

ORDER:

Heard the learned counsel for the petitioner and the Government Pleader for Stamps and Registration and Government Pleader for Endowments for the respondents.

2. The grievance of the Writ Petition is that, the subject property in an extent of Ac.4.32 Cents in Survey No.92/1 and 2 Cents in Survey No.96/1 of Harischandrapuram, Tullur Mandal, Guntur District is placed under prohibited list U/s 22A (1) (c) of the Registration Act, 1908.

3. The Counsel for the petitioner submits that, the Ryotwari Patta issued under TD No.145 and 527 refers to the Survey No's.96 and 92 for an extent of Ac.11.06 Cents and the Ac.11.60 Cents respectively and the names of the Ryothwari Patta Holders are also mentioned in the said Form-VIII issued by Inams Deputy Tahsildar, Guntur dated 15.04.1962. The petitioner purchased the subject property from one of the Ryotwari Pattadars by name Ichampati Pardhasaradhacharyulu. The Form-2 decision under Andhra Inams (Abolition and Conversion into Ryotwari) Act,1956 also discloses that, it is a inam land, it is in a Ryotwari village and it is not held by any institution mentioning the details of the Survey Number and the extent therein. While so, the 3rd respondent addressed a letter to the 2nd respondent on 08.06.2016 including the subject land covering the same under Survey No's.96 and 92 for an extent of Ac.11.06 Cents and Ac.11.60 Cents respectively recommending the place the subject properties under the prohibited list showing the ownership as Sri Venkateswara Swamy Temple, Vykuntapuram Village, Amaravarhi Mandal, Guntur District.

4. The Counsel for the petitioner submits that, the subject land is a Inam land and it was purchased duly from one of the Inamdars of the Ryotwari Pattadar Holder by the petitioner's wife. After her demise, the petitioner became the owner and possessor of the subject land for an extent of Ac.4.32

Cents in total in Survey No.92/1 and Survey No.96/1 of Harischandra Puram Village, Tullur Mandal, Guntur District, and it shall treated as private land and it cannot be treated by any stretch of imagination, as temple land is recommended by 3rd respondent to the 2nd respondent under his letter dated 08.06.2016 for which, he also relies upon the decision of this court in W.P.No.36682 of 2017 dated 17.11.2022.

5. On the other hand, the learned Government Pleader's submits that, the petitioner has to make an application to the 3rd respondent at the first instance, so that he can take a decision on it by verifying the records and the nature of the land involving.

6. In view of the above said facts and circumstances, the petitioner is permitted to make an application to the 3rd respondent for deletion of the subject property from the prohibited list within a period of three (03) weeks from the date of receipt of this order by enclosing all the necessary documents in order to substantiate his case. On receipt of the same, the 3rd respondent shall consider and pass appropriate orders on the application of the petitioner within a period of three (03) months thereafter. By hearing, all the parties concerned and upon verification of the records and the subject land. Liberty is given to the petitioner to enclose all the documents concern relying to the subject land for establish his claim.

Accordingly, the Writ Petition is disposed of. No costs. As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE B KRISHNA MOHAN 03.04.2023 KMS
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