

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.No.

OF 2025

CHRONOLOGICAL / RUNNING INDEX

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7.	P1	Tender Notice cum Public Auction for leasehold rights of Mango Grove - Published in Andhra Jyothi daily.	25-03-2025	-do-	17-19
8.	P2	Copy of order in M.C.No.42 of 1944.	05-03-1945	-do-	20-27
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DATE: 01.04.2025  
PLACE: AMARAVATI

  
Counsel for the Petitioner

MEMORANDUM OF WRIT PETITION  
(SPECIAL ORIGINAL JURISDICTION)  
(UNDER ART. 226 OF THE CONSTITUTION OF INDIA)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.

W.P. NO. OF 2025

Between:

Keethe Anjeneya Murthy S/o. Late Pedasubbaiah,  
Agriculturist, Aged about 74 years,  
R/o. Leela Nagar, Employees Colony,  
Nuzivudu Mandal, Krishna District. ..Petitioner

AND

1. The Government of Andhra Pradesh  
Rep. by its Principal Secretary Endowments Department,  
Secretariat Building, Secretariat, Amaravati.
2. The Asst. Commissioner  
Endowments, Vijayawada, Krishna Dist.
3. Sri Seetharama Swamy Temple, Degavalli Village  
Rep. by its Manager cum Executive Officer Nuzivudu  
Mandal, Krishna Dist.
4. The AP Endowments Tribunal  
Hyderabad Presently at Pedakakani, Guntur District.

..Respondents

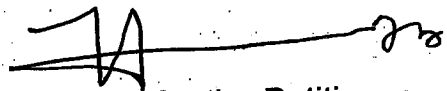
The address for service on the above named Petitioners is that of their counsel K.Ramesh Babu (16760), M.Chalapathi Rao (13197), Advocates, 434 LCH, Chennakeshava Nilayam, Saidabad Colony, Hyderabad - 500059, Mobile: 9949039990, Email: jcjramesh.babu@gmail.com

For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ or an order more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.3 in issuing the notification dated 26.03.2025 through paper publication in Andra Jyothi Nuzivudu, Kaikaluru Edition dated 26.03.2025 without giving prior notice to the petitioner, pending of

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the interlocutory application filed by the petitioner for restoration of WP. NO. 16708 of 2011 which was dismissed for default on 19.11.2024 as illegal, arbitrary and violative under Art. 14, 19 and 21 guaranteed under the constitution of India and consequently direct the respondent authorities not to act upon the notification as the rights of the petitioners are not adjudicated on merits in WP. No. 16708 of 2011 in the interest of justice and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.

DATE: 01.04.2025  
PLACE: AMARAVATI

  
Counsel for the Petitioner

Krishna: District

IN THE HIGH COURT OF  
ANDHRA PRADESH AT  
AMARAVATI

W.P. NO.

OF 2025

Keethe Anjeneya Murthy

..Petitioner

AND

The Government of Andhra  
Pradesh, Rep. by its  
Principal Secretary  
Endowments Department &  
Others

... Respondents

**WRIT PETITION**

Filed By:

M/s K.Ramesh Babu (16760),  
M.Chalapati Rao (13197)  
Advocates

Counsel for Petitioner

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IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.NO.

of 2025

**Between:**

Keethe Anjeneya Murthy  
AND

...Petitioner

The Government of Andhra Pradesh  
Rep. by its Principal Secretary Endowments Department  
& Others

...Respondents

**LIST OF EVENTS**

**ANNEXURE – I**

S.No	Date	Description of the Events	Page Nos in Affidavit	Para No. in Affidavit
1	26-03-2025  Ac. 16. 56 cents in Sy.No.188 Mettugudem, Degavalli Village, Krishna District	The present writ petition is filed seeking a writ, order or direction more particularly one in the nature of a writ of mandamus for a declaration that the tender cum auction Notification dated 26-03-2025 issued by Sri Seetharama Swamy Temple, Degavalli Village, Rep. by its Manager-cum-Executive Officer Nuzvidu Mandal, Krishna Dist., inviting the bidders for participation in the auction scheduled for the lease hold rights over the dry land (Mango Thope) admeasuring Ac. 16. 56 cents in Survey No.188 situated at Mettugudem, Degavalli Village, Krishna District without following the due process of law and without issuing any prior notice to the petitioner or his family	11	2

		members who are the absolute owners and possessors of the said land having succeeded from their ancestors		
2	05.03.1945	<p>The ancestors of the petitioner and his family members have been in possession and enjoyment of the above land since time immemorial by paying the cist to the then Government from time to time and our rights and ownership over the land has been recognized by one and all including the Revenue Authorities. It is respectfully submitted that in the year 1944 when a dispute arose in respect of patta no. 504 my father initiated legal proceedings under section 145 of CRPC before JFCM and the Hon'ble JFCM passed the order dated 05.03.1945 observing that Pw2 therein has been in possession of the dry inam land admeasuring Ac. 8.58 cents and accordingly directed the respondents through a separate order not to interfere with the rights of PW2 in the land.</p>	11	3
3.		<p>Deputy Commissioner of Endowments initiated suo-motu proceedings under Sec 58 (1) of Madras Hindu Religious and Charitable Institutions Act 19 of 1961 on the basis of report of Asst. Commissioner dated 23.01.1960 calling upon the trustees to show cause as to why the scheme should not be framed for proper management. The petitioner submits that his father Subbaiah who is shown as 2<sup>nd</sup> Respondent in the said proceedings categorically</p>	12	4

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		<p>contended that the land B.No.396 admeasuring Ac. 17.29 cents is not the temple property and the temple is not entitled to the beneficiary interest. After considering the contentions the Dy. Commissioner passed orders dated 24.10.1962 in OA.NO. 329 of 1960. The Dy. Commissioner observed that there are other methods open to the temple trustees to recover the possession of the said land under Sec. 87 of the Act. However, the 3<sup>rd</sup> Respondent has not initiated any proceedings as required under law.</p>		
4.	15.03.2001	<p>The tenancy tribunal dismissed the ATP No. 1 of 1971 and it became final and that thereafter, my father and we succeeded to the property. Without applying the mind, the third respondent once again initiated proceedings in OA. No. 178 of 2005 on the file of Commissioner, Kakinada which on transfer to the 4<sup>th</sup> Respondent, was renumbered as OA. No. 2168 of 2010. In the said OA No. 2168 of 2010 we filed a detailed counter specifically denying the title of the temple and contradicting the pleas of the 3<sup>rd</sup> respondent. The 4<sup>th</sup> Respondent without considering our contentions has allowed the application filed by the 3<sup>rd</sup> respondent. Aggrieved by the orders of the 4<sup>th</sup> respondent the petitioner preferred WP. NO. 16708 of 2011 on various grounds and sought for writ of certiorari calling</p>	12	7



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	WP.No. 16708 of 2011  17-06-2011	for records and to stay all further proceedings by suspending the order dated 15.03.2001 in OA. NO. 2168 of 2010 on the file of the AP Endowments Tribunal. The Hon'ble High Court was pleased to admit the said writ petition and stayed all further proceedings on 17-06-2011 in O.A.No.2168 of 2010.		
5.	19.11.2024	On 19.11.2024 when the matter i.e., W.P. No. 16708 of 2011 was posted for hearing, unfortunately due to misplacement of the bundle in the office of my counsel and also on account of failure in the internet, my counsel did not notice the posting date and thereby the writ petition was dismissed for default on 19.11.2024 for non-appearance	13	8
6.	25.03.2025	When I heard that the 3 <sup>rd</sup> respondent is going to initiate action of auctioning the property in question, I approached my counsel few days before and came to know that due to the mistake of not representing the case on 19.11.2024 by my counsel resulted in dismissal of the writ petition. Immediately, my counsel took steps in filing a petition on 25.03.2025 to set aside the order of dismissal for default dated 19.11.2024 which is pending before this Hon'ble court	13	9
7.		The proceedings for restoration of the writ petition to the file by this Hon'ble Court are pending and taking advantage of the dismissal of the writ petition for non-prosecution, the 3 <sup>rd</sup> Respondent	13	10

**Under Article 226 of Constitution of India.**

  
Counsel for the Petitioner

IN THE HIGH COURT OF ANDHRA PRADESH AT  
AMARAVATI

W.P. NO.

OF 2025

Between:

Keethe Anjeneya Murthy S/o. Late Pedasubbaiah,  
Agriculturist, Aged about 74 years,  
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1. The Government of Andhra Pradesh  
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3. Sri Seetharama Swamy Temple, Degavalli Village  
Rep. by its Manager cum Executive Officer Nuzivudu  
Mandal, Krishna Dist.
4. The AP Endowments Tribunal  
Hyderabad Presently at Pedakakani, Guntur District.

..Respondents

AFFIDAVIT

I, Keethe Anjeneya Murthy S/o. Late Pedasubbaiah, Aged  
74 yrs, Occ: Agriculture, R/o. Nuzivudu, now having temporarily  
come down to AMARAVATI, do hereby solemnly and sincerely  
affirm and state as follows:

1. I submit that I am the Petitioner herein and as such I am well  
acquainted with the facts of the case.

K. S. Anjeneya Murthy

2. I submit that I am filing the present writ petition seeking a writ, order or direction more particularly one in the nature of a writ of mandamus for a declaration that the tender cum auction Notification dated 26-03-2025 issued by Sri Seetharama Swamy Temple, Degavalli Village, Rep. by its Manager-cum- Executive Officer Nuzvidu Mandal, Krishna Dist., inviting the bidders for participation in the auction scheduled for the lease hold rights over the dry land (Mango Thope) admeasuring Ac. 16. 56 cents in Survey No. 188 situated at Mettugudem, Degavalli Village, Krishna District without following the due process of law and without issuing any prior notice to the petitioner or his family members who are the absolute owners and possessors of the said land having succeeded from their ancestors as illegal and arbitrary violative of the petitioner's fundamental rights guaranteed under Article 14 of the Constitution of India and to quash the same.

3. I submit that the ancestors of the petitioner and his family members have been in possession and enjoyment of the above land since time immemorial by paying the cist to the then Government from time to time and our rights and ownership over the land has been recognized by one and all including the Revenue Authorities. It is respectfully submitted that in the year 1944 when a dispute arose in respect of patta no. 504 my father initiated legal proceedings under section 145 of CRPC before JFCM and the hon'ble JFCM passed the order dated 15.03.1945 observing that Pw2 therein has been in possession of the dry inam land admeasuring Ac. 8.58 cents and accordingly directed the respondents through a separate order not to interfere with the rights of PW2 in the land.

K. S. Anjanthy.

4. I submit that subsequently the then Deputy Commissioner of Endowments initiated suo-motu proceedings under Sec 58 (1) of Madras Hindu Religious and Charitable Institutions Act 19 of 1961 on the basis of report of Asst. Commissioner dated 23.01.1960 calling upon the trustees to show cause as to why the scheme should not be framed for proper management. The petitioner submits that his father Subbaiah who is shown as 2<sup>nd</sup> Respondent in the said proceedings categorically contended that the land B.No.396 admeasuring Ac. 17.29 cents is not the temple property and the temple is not entitled to the beneficiary interest.

5. I submit that after considering the contentions the Dy. Commissioner passed orders dated 24.10.1962 in OA.NO. 329 of 1960. The Dy. Commissioner observed that there are other methods open to the temple trustees to recover the possession of the said land under Sec. 87 of the Act. However, the 3<sup>rd</sup> Respondent has not initiated any proceedings as required under law.

6. I submit that however, the 3<sup>rd</sup> Respondent initiated proceedings in ATP No. 1 of 1971 under Sec. 13 of Andhra Pradesh Tenancy Act, 1956, wherein my father pleaded that he has not taken the land for lease from the trustees of the temple on the condition of paying half share of produce to the temple in or about 1963 and continued to be in possession of the property.

7. I submit that subsequently, the tenancy tribunal dismissed the ATP No. 1 of 1971 and it became final and that thereafter, my father and we succeeded to the property. Without applying the mind, the third respondent once again initiated proceedings in OA. No. 178 of 2005 on the file of Commissioner, Kakinada which on transfer to the 4<sup>th</sup> Respondent, was renumbered as OA. No.

*K. S. Anjaneyulu.*

2168 of 2010. In the said OA No. 2168 of 2010 we filed a detailed counter specifically denying the title of the temple and contradicting the pleas of the 3<sup>rd</sup> respondent. The 4<sup>th</sup> Respondent without considering our contentions has allowed the application filed by the 3<sup>rd</sup> respondent. Aggrieved by the orders of the 4<sup>th</sup> respondent the petitioner preferred WP. NO. 16708 of 2011 on various grounds and sought for writ of certiorari calling for records and to stay all further proceedings by suspending the order dated 15.03.2001 in OA. NO. 2168 of 2010 on the file of the AP Endowments Tribunal. The Hon'ble High Court was pleased to admit the said writ petition and stayed all further proceedings in O.A.No.2168 of 2010.

8. I submit on 19.11.2024 when the matter i.e., W.P. No. 16708 of 2011 was posted for hearing, unfortunately due to misplacement of the bundle in the office of my counsel and also on account of failure in the internet, my counsel did not notice the posting date and thereby the writ petition was dismissed for default on 19.11.2024 for non-appearance.

9. I submit that in recent past when I heard that the 3<sup>rd</sup> respondent is going to initiate action of auctioning the property in question, I approached my counsel few days before and came to know that due to the mistake of not representing the case on 19.11.2024 by my counsel resulted in dismissal of the writ petition. Immediately, my counsel took steps in filing a petition on 25.03.2025 to set aside the order of dismissal for default dated 19.11.2024 which is pending before this Hon'ble court.

10. I submit that when the proceedings for restoration of the writ petition to the file by this Hon'ble Court are pending and taking advantage of the dismissal of the writ petition for non-

*J.S. Jayaramthy*

prosecution, the 3<sup>rd</sup> Respondent without following the due process of law have issued the impugned notification by way of paper publication on 26.03.2025 in Andhra Jyothi Telugu daily News Paper, Kaikaluru Edition calling for the bidders to participate in the auction of lease hold rights in respect of the land which is in possession of the petitioner by way of submitting tenders and scheduled the auction date as 07.04.2025, Monday, at 2:30 PM in the premises of Sri Seetharama Swamy Temple, Padamara Digavalli Village, Nuzuvidu Mandal, Elur District.

11. I submit that for clarity and to avoid confusion the petitioner herein is annexing the copy of the Petition filed in W.P. No. 16708 of 2011 and the internet copy of the dismissal for default order dated 19.11.2024.

12. I submit that the since the petitioner has absolute right and possession over the subject land and is in possession of the property along with other family members, and the petitioner is advised to submit that he has good chances of succeeding in WP. NO. 16708 of 2011 filed challenging the orders of the 4<sup>th</sup> Respondent. If the impugned notification is acted upon by the third respondent, the very purpose of filing WP. No. 16708 of 2011 will be defeated and the petitioner will have to suffer irreparable loss and injury which cannot be compensated by any other means.

In the circumstances stated above, the petitioner has no efficacious alternative remedy, except to seek the redressal before this Hon'ble Court seeking the indulgence of this Hon'ble Court to exercise the extraordinary original jurisdiction vested in this Hon'ble Court by virtue of Article 226 of the Constitution of India.

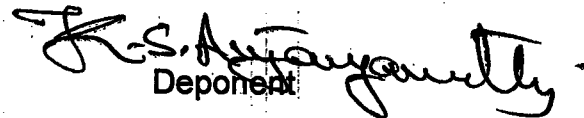
*[Handwritten Signature]*

The petitioner has not filed any writ petition, suit or other proceedings for the relief sought herein.

It is therefore prayed that this Hon'ble Court may be pleased to issue a writ or an order more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.3 in issuing the notification dated 26.03.2025 through paper publication in Andra Jyothi Nuzuvidu, Kaikaluru Edition dated 26.03.2025 without giving prior notice to the petitioner, pending of the interlocutory application filed by the petitioner for restoration of WP. NO. 16708 of 2011 which was dismissed for default on 19.11.2024 as illegal, arbitrary and violative under Art. 14, 19 and 21 guaranteed under the constitution of India and consequently direct the respondent authorities not to act upon the notification as the rights of the petitioners are not adjudicated on merits in WP. No. 16708 of 2011 in the interest of justice and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.

It is also just and necessary that this Hon'ble Court may be pleased to stay all further proceedings pursuant to the notification dated 26.03.2025 pending disposal of the present Writ Petition in the interest of justice and pass such other order or orders may deem fit and proper in the circumstances of the case.

Solemnly and sincerely affirmed on this  
the 1<sup>st</sup> day of April, 2025  
and signed in my presence.

  
Deponent

ADVOCATE :: AMARAVATI



VERIFICATION STATEMENT

I, Keethe Anjeneya Murthy S/o. Late Pedasubbaiah, Aged 74 yrs, Occ: Agriculture, R/o.Nuzivudu, being the petitioner/ person acquainted with the facts do hereby verify and state that the contents of the above paras of the Affidavit are true and correct to the best of my knowledge. The above contents are typed under my instructions and same are read over and explained to me in vernacular language and I admit the same to be true and correct. Hence verified at AMARAVATI on this the 1<sup>st</sup> day of April , 2025

Advocate

  
Deponent

ఎరువులో కలిపి వారం రోజులు మూగబట్టి పశువుల

చారు. ఈ కార్యక్రమంలో వీలవసావీలు పాల్గొన్నారు.

## ఆంధ్రప్రదేశ్ ప్రభుత్వము - దేవదాయ ధర్మదాయ శాఖ శ్రీ సీతా రామ స్వామి వారి దేవస్థానము

పడమర దిగవల్లి గ్రామము, నూజివీడు మండలము, ఏలూరు జిల్లా.

### మూఖ్య టోట కోలు హక్కు - టెండర్ కం బహిరంగ వేలము ప్రకటన

ఏలూరు జిల్లా, నూజివీడు మండలము, పడమర దిగవల్లి గ్రామములో వేంచేసియున్న శ్రీ సీతా రామ స్వామి వారి దేవస్థానము యొక్క సంపూర్ణ హక్కు భుక్తములు కలిగియున్న పడమర దిగవల్లి గ్రామ పరిధిలో గల ఈ దిగువనుదహరించిన షెడ్యూల్ నందు గల మూడు టోటము మూడు సంవత్సరముల కాలపరిమితికి అనగా 2025-26 నుండి 2027-28 ఫలసాయము పొందుచూ, అంతర పంటలు వేసుకొను హక్కునకు గాను ది. 07-04-2025 సోమవారము మధ్యాహ్నం గం. 02.30 లకు పడమర దిగవల్లి గ్రామము నందు శ్రీ స్వామి వారి ఆలయ ప్రాంగణములో దేవదాయ ధర్మదాయ శాఖ అధికారుల పర్యవేక్షణలో దేవస్థాన కార్యనిర్వహణాధికారి వారిచే టెండర్ కం బహిరంగ వేలము నిర్వహించుటకు ఏర్పాటు చేయబడినది.

వ.సం.	భూమియున్న గ్రామము	ఆర్.ఎస్.నెం.	విస్తీర్ణము	ధరావతు	కాల పరిమితి
1	పడమర దిగవల్లి	188	య., 16-56 సెం.,	50,000/-	2025-26 నుండి 2027-28 వరకు

ముఖ్యమైన పాట షరతులు: 1. టెండర్ కం బహిరంగ వేలము పాటలో పాల్గొనదలచిన వారు దేవస్థానమునకు ఏ విధమైన బకాయిలు గాని, కోర్టు లావాదేవీలు గాని ఉన్నవారు పాటలో పాల్గొనరాదు. 2. ముఖ్యమైన షరతులు పాట సమయమందు తెలుపబడును.

పడమర దిగవల్లి, 26-04-2025. ఇట్లు, పామర్తి సీతా రామయ్య, కార్యనిర్వహణాధికారి

GOVERNMENT OF ANDHRA PRADESH  
CHARITABLE AND ENDOWMENTS DEPARTMENT

Sree Sitarama Swamy Devasthanams – Digavalli Village – Nuzvid Mandal,  
Eluru District.

**Tender Notice cum Public Auction for leasehold rights of Mango Grove.**

The lease hold rights of the Mango Grove (for enjoying the fruits as well as raising inter-crops) in an extent of Ac.16-56 guntas situated in Padamara (west) Digavalli Village – Nuzvid Mandal, Eluru District attached to Sree Sitarama Swamy Devasthanam – Digavalli Village – Nuzvid Mandal, Eluru District is scheduled for auction for a period of 3 years for the years 2025-26 to 2027-2028.

The date of auction is fixed on 7-4-2025 (Monday) at 2.30 PM in the premises of Sree Sitarama Swamy Devasthanam – Digavalli Village – Nuzvid Mandal, Eluru District. This notification is hereby issued informing the general public that the auction will be organized under the supervision of the officials of the Charitable and Endowments Department by the Executive Officer of the Temple.

Particulars of the land

Sl.No.	Location of the land	R.S.Number	Extent	Earnest money deposit	Duration of the lease
1.	West Digavalli	158	16-56	50,000/-	2025-26 to 2027-28

**IMPORTANT CONDITIONS FOR AUCTION:**

1. This tender cum auction is being conducted as per the decision of the officials of the Department by the Executive Officer of the Temple.
2. The intending bidders shall not have any court cases against the temple or dues payable to the temple.
3. The intending bidders shall submit photo copy of the aadhar card containing the photo.

4. The intending bidders shall deposit the earnest money deposit before participating in the auction and the earnest money so deposited shall be refunded to the unsuccessful bidders while retaining the earnest money deposit of the successful bidder.
5. The first year's lease amount has to be paid in advance by the successful bidder and the lease amounts for the subsequent two years shall be paid in the first week of April of the succeeding years.
6. The successful bidder shall not raise any dispute with regard to the bid amount after the lease is given to the successful bidder and he/she shall quote the bid after full knowledge and agreement. The authorities are empowered to extend or reduce the duration of the lease period.
7. The successful bidder has to cultivate the leasehold land by himself and shall not sub-lease or transfer the same to others. In default of the same, the lease will be cancelled without notice and he will be ousted from the land.
8. The authorities reserve their right to cancel or to postpone the auction without assigning any reasons.

Pamarthi Seetharamayya

Executive Officer

Dated: 25-3-2025

In the court of the Additional IClass Magistrate, Bezwada.

-Present:- Sri P. Ramakrishna Rao B.A.B.L., Addl. IClass Magistrate  
Bezawada.

M.C.No.42 of 44.

This case coming on for hearing on 19-10-44, 24-10-44  
30-10-44, 11-11-44, 22-11-44, 4-12-44, 13-12-44, 23-12-44,  
6-1-45, 18-1-45, 26-1-45, 1-2-45, 8-2-45, 17-2-45, 23-2-45,  
3-3-45, and having stood over for consideration till this  
day i.e. 5-3-45 the court passed the following:--

O R D E R

Kette Subbayya of Digavalli village filed a petition  
under Section 145 Cr.P.C. against Yelamanchili Venkateswara  
Rao and 7 others alleging that at the instigation of Yelaman-  
chili Venkateswararao, the other respondents forcibly  
trespassed into his land on 31--8--44, unyoked the ploughs  
when his farm-servants were ploughing it, threatening them  
with danger to their lives, that the respondents committed  
similar acts of violence on 1--9--44 when he himself went  
to that land with his farm-servants to plough it and that  
these would be a breach of the peace, if he were to resist  
the respondents in their attempts to dispossess him of  
that land.

2. The respondents filed a written statement to  
the effect that the allegations made by the petitioner  
were false and that the 1st respondent, as the Dharmakarta  
of the temple has been leasing out the land in question  
from 1942.

3. The petitioner was examined as Pw2. According

to him, the 'Archaka' dry inam measuring Acs 17--17 has been in the enjoyment of the members of his family for over 60 years, his father (Surayya) and his father's three brothers Viz.; ~~Pitchayya~~ Pitchayya, Misalayya alias Narasayya and Seshayya, having enjoyed it in four shares during their lifetime. R-2 to R5 are the sons of Pitchayya, R6 is the son of Seshayya, Pw5 is the son of Misalayya alias Narasayya and Pw2 is the son of Surayya. After the death of his father, Pw2 has been enjoying his 1/4th share and Pw5 gave him his 1/4th share also in 1931; so much so Pw2 has been in the possession and enjoyment of Acs 8--58 of that dry inam land from 1931, paying the rent on that land from to Pw1. On 31--8--44, when Pw2's servants were ploughing that land R2 to R8 obstructed them. On the next day i.e. 1--9--44, Pw2 also accompanied his servants to that field, when all the 8 respondents entered on that land and threatened to cause danger to Pw2 and his servants if they would not quit that land. Pw2 and his servants stopped ploughing in fear of danger to their lives, R5 being armed with a 'pota-katti' (hedge-knife). According to Pw2, R1 created misunderstandings between him and his paternal's sons, Viz. R2 to R6 and got a criminal case filed against him by Balagara Chittayya before the Sub-Magistrate, Nuzvid, 2 days after he filed the present petition. Pw2 stated that the station House officer had enquired on his petition and that the respondents sowed 'Cholum' in ab. Acs 2--00 of that land on the night prior to the station House Officer's enquiry, while he

-3-

showed 'cholum' in the rest of the field after that enquiry.

Pw1, an old woman of 60 years, is the wife of the late Sita Ramanujachari who was rendering 'Archaka' service in the temple of Sitaramaswami in Digavalli. The witness stated that the 'Mokhasadars' gave them Ac.17--17 of dry land as service inam, that after the death of her husband, her son Venkatachari rendered 'archaka' service and that after Venkatachari's death, she was getting the 'archaka' service ~~and that~~ done by clerks appointed by her and by her grandsons. The witness stated that she leased out half of that inam to Pw2 and the remaining half to his brothers and ~~and~~ cousins and that the land leased out to Pw2 had been in the possession of his family for about 50 years. Exhibit A is the ~~xxxxxx~~ Registration extract of the sale deed for the village, in which there is a reference to the inam lands of the 'archakas'. Exhibit B is the Register showing the properties, moveable and immoveable of that temple. The witness stated that she was paying the contribution to the Religious Endowments Board, Exhibit C series being the 6 notices received by her son from that Board and Exhibit D series being the 4 receipts for payment of such contribution. She was paying the 'cesses' on that inam land, Exhibit E being the receipt book. The witness asserurated that Pw2 had been paying her the 'cists' on behalf of that land and that he

had been in possession of that land, for the last 2 years. R1 was collecting the contribution from her and paying it himself to the Religious Endowment Board and therefore, she was not getting the receipts from that Board. R1 was collecting all taxed from her on that land for the last 2 years, but did not give her any receipts for the payments.

Pw3, a servant of Pw2, corroborated Pw2 in respect of the offences committed by the respondents.

Pw4 stated that to his knowledge the land in question had always been in the possession of Pw2.

Pw5 who is the son of Pw2's paternal uncle, Musalayya alias Narasayya, corroborated Pw2's version about the enjoyment of that inam land in 4 shares by his father and his father's 3 brothers. The witness stated that he gave his 1/4th share of that land to Pw2 for cultivation about 14 years back and that since then, Pw2 had been in possession of half of that land, while the share of R6 passed into the possession of R2 to R5. The witness stated that R-2 to R6 sowed 'cholum' one night in Ac.2--00 and that they stopped further sowing when Pw2 filed the petition under Section 145 Cr.P.C.

4. R-1 was examined as Rwl. He stated that the Zamindar of Gollapalli transferred to him his rights as Dharmakarta of the temple 3 years back, Exhibit I being the transfer deed and that he had been leasing out the inam land from 1942, Exhibits II, II-A and II-B being



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-5-

the lease deeds for faslis 1352, 1353 and 1354 respectively. According to him he leased out the entire Acs. 17--17 to R3 for fasli 1354. The witness stated that Tummuru Mithareddi attested Exhibit II-B lease deed in favour of R3 and that he would not examine him as he had joined the opposite faction.

R3 was examined as Rw2. He stated that he took that land on lease from R-1 about 9 months back (the witness was examined on 23-2-45), that ~~th~~ he raised cholum in ~~ax~~ Acs 5 or 6 of that land by the time the police came to the village and that he cultivated the remaining extent within a week after that.

Rw3 stated that he took the land in question 3 years back on lease from R-1 and cultivated it and that the members of his family had never cultivated that land prior to his taking it on lease 3 years back. The witness is the brother of R6 and he blurted out in the cross-examination that he had no idea as to the reason during which he took that land on lease 3 years back. The witness stated that after his lease had expired, Tammareddi Surayya and ~~R~~ Brkkam Ramayya took that land on lease for Rs.18/-.

Rw4 stated that he attested the lease Exhibit II-B in favour of R-3 and that R-1 was paying the 'archakas' for their services from 3 years. The witness admitted that he worked as a servant in the 'Devanam' for 20 years and that he was given a 'patta' for acs. 3--00 of land

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-6-

3 years back, but denied that R1 helped him in getting that 'patta'. The witness blurted out that he was not present when Exhibit II-B lease was being written and that he attested that lease-deed being asked by Muttayya to do so.

Rw5 is the karnam of Digavalli, who wrote the 3 lease-deeds, Exhibits II, II-A, and II-B. He has no house to live in at Digavalli and he puts up in one of the rooms of that temple.

5. I find the respondents plea as false.

Exhibits II, II-A and II-B lease-deeds appear to be paked-up documents. They were all written by the Karnam (Rw5) whose demeanors did not impress me favourably. He lives in a room of the temple of which R1 is the 'Dharma-Kartha'. I find no grounds to disbelieve the evidence of Pw1, a disinterested witness so far the parties in the village are concerned. The feelings between Pw2 and his uncles' sons Viz; R2 to R5 have been strained and the latter are trying to dispossess Pw2 of the land in his possession. Tammareddi Surayya and Bekkam Ramayya, the alleged lessees of that land in fasli 1353 were not examined by the respondents Tummuri Muthareddi, who attested Exhibit II-b lease-deed, was not examined to prove its bonafides. I find that Pw2 has been in possession of the dry inam land measuring Acs 8--58 and accordingly direct the respondents through a separate order not to interfere with the rights

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-7-

of Pw2 in that land.

Sd/ P. Ramakrishna Rao,  
5/3/45.

1st Addl. 1st Class Magistrate, Bozwada.

List of witness examined for Petitioner.  
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1. Vedantam Rathamma.
2. Kotte Subbayya.
3. Barre Venkataratnam.
4. Mushuni Veera Venkayya.
5. Katta Nagayya.

List of Exhibits filed for petitioner.  
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A. Sale deed.

B. Register of properties showing moveable or immoveable  
belonging to the temple.

C. Notice issued by the Religious Endowment Board.

C1	-do-	-do-
C2	-do-	-do-
C3	-do-	-do-
C4	-do-	-do-
C5	-do-	-do-

D. Contribution receipts

D1.	-do-
D2	-do-
D3	-do-

E. Cist receipt.

List of 2 Witness examined for respondents.

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1. Yelamanchili Venkateswara Rao.
2. Katto Abalayya.
3. Kette Seetharamaiah.
4. Pasupuleti Seethayya.
5. Digavalli Gangadhar.

List of Exhibits filed for respondents.

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I Transfer deed.

II Cowl.

II-A, II-B, -do-

III, III(a), III (b), III (c), III (d), III(e):-- Cows.

IV. Cist receipts.

IV. -do-

V. Notice from the Government Board.

V a, Vb, -do-

VI. Postal receipt.

Sd/ P. Rama Krishna Rao, 5/3/45,

Addl. I Class Magistrate, Bezwada.

Corrections nil.

Total words 2104

Copied by B.V. Krishnamurti,

13th and last sheet.

/true copy/

Sd/ xxxxxxxxxxxx

Head Clerk.

Stamped First Class Magistrate, Bezwada.

P<sub>3</sub> 28

**INTERLOCUTORY APPLICATION**

**(UNDER SECTION 151 OF THE C.P.C.)**

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

**I.A. NO.**

**OF 2025**

**IN**

**W.P. NO. 16708 OF 2011**

**Between:**

**Keethe Anjeneya Murthy S/o. Late Pedasubbaiah,  
Agriculturist, Aged about 74 yrs,  
R/o. Leela Nagar, Employees Colony,  
Nuzivudu Mandal, Krishna District.**

**...Petitioner**

**AND**

**1. The Government of Andhra Pradesh  
Rep. by its Principal Secretary Endowments Department,  
Secretariat Building, Secretariat, Hyderabad.**

**2. The Asst. Commissioner  
Endowments, Vijayawada, Krishna Dist.**

**3. Sri Seetharama Swamy Temple,  
Degavalli Village Rep. by its Manager  
cum Executive Officer Nuzividu Mandal,  
Krishna Dist.**

**4. The AP Endowments Tribunal  
Hyderabad  
Presently at Pedakakani,  
Guntur District.**

**..Respondents**

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For the reasons stated in the affidavit it is therefore prayed that this Hon'ble Court may be pleased to direct the respondents not to proceed further basing on the order dated 15.03.2001 in OA. NO. 2168 of 2010 on the file of the AP Endowments Tribunal. Hyderabad presently at Pedakakani pending disposal of the above writ petition and pass such other order or orders may deem fit and proper in the circumstances of the case.

AMARAVATI  
DATE: 25.03.2025

Counsel for the Petitioner

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Krishna District

IN THE HIGH COURT OF ANDHRA  
PRADESH AT AMARAVATI

I.A.NO. OF 2025

IN

W.P. NO. 16708 OF 2011

**DIRECTION PETITION**

Filed by:

M/s K.Ramesh Babu (16760)  
Smt.V.Padmaja (13749)  
Advocates

Counsel for Petitioner

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**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

I.A. No.

OF 2025

IN

W.P. NO. 16708 OF 2011

Between:

Keethe Anjeneya Murthy S/o. Late Pedasubbaiah,  
Agriculturist, Aged about 74 yrs,  
R/o. Leela Nagar, Employees Colony,  
Nuzivudu Mandal, Krishna District.

...Petitioner

AND

1. The Government of Andhra Pradesh  
Rep. by its Principal Secretary Endowments Department,  
Secretariat Building, Secretariat, Hyderabad.

2. The Asst. Commissioner  
Endowments, Vijayawada, Krishna Dist.

3. Sri Seetharama Swamy Temple,  
Degavalli Village Rep. by its Manager  
cum Executive Officer Nuzivudu Mandal,  
Krishna Dist.

4. The AP Endowments Tribunal  
Hyderabad  
Presently at Pedakakani, Guntur District.

...Respondents

**AFFIDAVIT**

I, K. Ramesh Babu, S/o.K.Somasundaram, Aged about 68 yrs, Occ:  
Advocate, Amaravathi, do hereby solemnly affirm and state as follows:

1. I am the counsel for the petitioner in the above writ petition as  
such I am well acquainted with the facts of the case.

2. I submit that the writ petition stood posted to 19.11.2024 for  
hearing. I submit that I have not noticed the above posting due to  
internet problem. I also submit that the file was misplaced in my office



and therefore, I could not notice the actual date of posting and also the dismissal order and I was still under impression that the matter is pending before the Hon'ble court and it is not posted.

3. I submit that three days back the petitioner approached me and enquired me about the status of the case and at that time I have verified the case status on online and was surprised that the matter was dismissed for default on 19.11.2024. Then I searched for the file and it was not traced in my office. Yesterday, when I got searched with the help of my clerk the file was traced and immediately, I am filing this application to set aside the dismissal order and also to condone the delay in filing the set aside application.

4. I submit that there was no negligence or latches on my part and also on the part of the writ petitioner. There is no intentional delay on our part and it is purely due to misplacement of the record and not noticing the date of posting, due to internet failure.

5. I therefore, pray that the Hon'ble court may be pleased to set aside the dismissal order for default dated 19.11.2024 and to provide an opportunity to the petitioner to submit his version in the writ petition.

6. It is submitted that the writ petitioner is having interim orders in his favour vide IA. No. 1 of 2011 (WP.MP. No. 2066/2011) in W.P. NO.

16708 of 2011 and the petitioner is having good case to succeed in the writ petition.

7. In the event of not allowing the application the writ petitioner has to suffer irreparable and injury which cannot be compensated in any other means as it involves the property of the Writ Petitioner. The right to property is guaranteed under Art. 12, 14, 19 and 21 of the Constitution of India and hence a reasonable opportunity may be given to the writ petitioner to have an order on merits in the interest of justice.

8. It is submitted that taking advantage of the dismissal order for default, the respondents are trying to act highhandedly in order to take over the property by illegal means and if they succeed the writ petitioner have to suffer and grave injustice will be caused. Therefore, it is prayed that an interim direction may be given against the respondents directing them not to proceed further basing on the orders under challenge in the Writ Petition.

9. It is further submitted that the delay \_\_\_\_ days in filing the application to set aside the dismissal order is occurred due to not noticing the date of posting in the cause list due to internet failure and misplacing of the record in the office of the counsel on record and

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hence the delay of \_\_\_\_ days in filing the set aside application may be  
condoned in the interest of justice.

It is therefore prayed that this Hon'ble Court may be pleased to set aside the order of dismissed for default dated 19.11.2024 and consequently to order restoration of the WP No. 16708 of 2011 in accordance with law in the interest of justice and pass such other order or orders may deem fit and proper in the circumstances of the case.

It is just necessary that the Hon'ble Court may be pleased to condone the delay \_\_\_\_ days in filing the petition to set aside the order of dismissal for default dated 19.11.2024 in W.P. No. 16708 of 2011 the in the interest of justice and pass such other order or orders may deem fit and proper in the circumstances of the case.

It is also just and necessary that this Hon'ble Court may be pleased to direct the respondents not to proceed further basing on the order dated 15.03.2001 in OA. NO. 2168 of 2010 on the file of the AP Endowments Tribunal. Hyderabad presently at Pedakakani pending disposal of the above writ petition and pass such other order or orders may deem fit and proper in the circumstances of the case.

last page corrs.

Deponent

Solemnly and sincerely affirm this  
the 25<sup>th</sup> day of March, 2025  
and signed his name in my presence.

BEFORE ME

ADVOCATE :: AMARAVATI

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VERIFICATION STATEMENT

I, K. Ramesh Babu, S/o.K.Somasundaram, Aged about 68 yrs, Occ:  
Advocate, Amaravathi, being the Counsel for petitioner acquainted with  
the facts do hereby verify and state that the contents of the above  
paras of the Affidavit are true and correct to the best of my  
knowledge. Hence verified at AMARAVATI on this the 25<sup>th</sup> day of  
March, 2025

Advocate

Deponent

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**INTERLOCUTORY APPLICATION**

**(UNDER SECTION 151 OF THE C.P.C.)**

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

**I.A. NO.**

**OF 2025**

**IN**

**W.P. NO. 16708 OF 2011**

**Between:**

**Keethe Anjeneya Murthy S/o. Late Pedasubbaiah,  
Agriculturist, Aged about 74 yrs,  
R/o. Leela Nagar, Employees Colony,  
Nuzivudu Mandal, Krishna District.**

**...Petitioner**

**AND**

**1. The Government of Andhra Pradesh  
Rep. by its Principal Secretary Endowments Department,  
Secretariat Building, Secretariat, Hyderabad.**

**2. The Asst. Commissioner  
Endowments, Vijayawada, Krishna Dist.**

**3. Sri Seetharama Swamy Temple,  
Degavalli Village Rep. by its Manager  
cum Executive Officer Nuzivudu Mandal,  
Krishna Dist.**

**4. The AP Endowments Tribunal  
Hyderabad  
Presently at Pedakakani,  
Guntur District.**

**..Respondents**

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For the reasons stated in the affidavit it is therefore prayed that this Hon'ble Court may be pleased to set aside the order of dismissed for default dated 19.11.2024 and consequently to order restoration of the WP No. 16708 of 2011 in accordance with law in the interest of justice and pass such other order or orders may deem fit and proper in the circumstances of the case.

AMARAVATI  
DATE: 25.03.2025

Counsel for the Petitioner

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Krishna District

IN THE HIGH COURT OF ANDHRA  
PRADESH AT AMARAVATI

I.A.NO. OF 2025

IN

W.P. NO. 16708 OF 2011

**RESTORATION PETITION**

Filed by:

M/s K.Ramesh Babu (16760)  
Smt.V.Padmaja (13749)  
Advocates

Counsel for Petitioner



P4 1 40  
APHC010374642011



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

[3310]

**TUESDAY, THE NINETEENTH DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE DR JUSTICE K MANMADHA RAO**

**WRIT PETITION NO: 16708/2011**

**Between:**

Keethe Anjana Murthy

**...PETITIONER**

**AND**

The Government Of Andhra Pradesh and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1. K RAMESH BABU

**Counsel for the Respondent(S):**

1. V T M PRASAD

2. GP FOR ENDOWMENTS

3. PULIPATI RADHIKA

**The Court made the following:**

**ORDER:**

Today, when the matter is taken up for hearing, none appeared for the petitioner. On the earlier occasion i.e. on 12.11.2024 also, there was no representation on behalf of the petitioner. So, it appears that the petitioner is not interested to prosecute the writ petition.

2. Therefore, the Writ Petition is dismissed for non-prosecution. No order as to costs.

As a sequel, interlocutory applications, if any pending, shall stand closed.

---

DR. K. MANMADHA RAO, J.

Date: 19.11.2024

ARR

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**HON'BLE DR.JUSTICE K.MANMADHA RAO**

**Writ Petition No.16708 of 2011**

**Date: 19.11.2024**

**ARR**

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ఆంధ్రప్రదేశ్ ప్రభుత్వం  
పట్టాదారు పాస్ పుస్తకం

పట్టా నెం. \*\*

943

MANDAL



వ్యవసాయదారుని ఫోటో  
(దీనిని సుండల రెవిన్యూ అధికారి  
ద్రువపరచి, ముద్ర వేయాలి)

1. వ్యవసాయదారు పేరు, తండ్రి / భర్త పేరు  
చిరునామా

శివశంకర్ వర్మ  
ల/ం 6 వోడ్

2. పెద్దయ్య పేరు, పెద్దయ్య వంశం  
వెనుక పేరు, వేదిక పేరు

అ.ఎ

3. భూములు

4. రెవిన్యూ మండలం

కృష్ణా

5. రెవిన్యూ డివిజను

6. జిల్లా

7. తొలి నమోదు చేసిన తేది

13. Haveli  
వ్యవసాయదారుని సంతకం  
లేదా  
బాటన వ్రేలి ముద్ర

రంగం  
గ్రామ పరిపాలనా అధికారి  
సంతకం

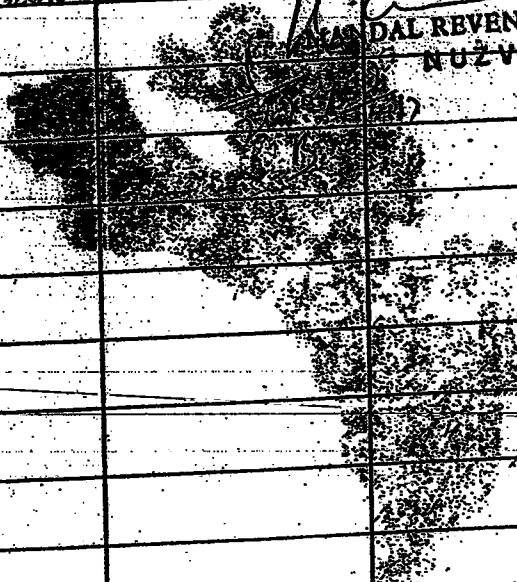
సుండల రెవిన్యూ  
MANDAL REVENUE OFFICER  
కార్యాలయ కుక్కర్రతేడి  
24/7/04

\*\* ఇచ్చట యజమానికిచ్చిన భూమి యజమాన్యపు హక్కు పత్రము వున్న పట్టా నెంబరు వ్రాయాలి.

1. శ్రీ / శ్రీమతి / కుమారి బుల్లిశెం వారిణి లక్ష్మి చిమ్మ  
భూమి వివరాలు

[illegible]

గారు వ్యయంగా సాగుచేయు మరియు కౌలుదార్లకు, తాకట్టుదార్లకు ఇచ్చిన

<p>పాక్కు వ్యభాసం యజమాని / కొలుదారు / తాకట్టుదారు</p>	<p>సంతకమైన భూమిని పొందుచేస్తున్న కొలుదారు / తాకట్టుదారు, ఎవరి భూమిని కొలు వీరుకున్నారో ఆ వట్టాదారు పేరు</p>	<p>మండలరెవిన్యూ అధికారి (లేదా) నిర్దిష్ట అధికారి సంతకం.</p>	<p>విశేషాంశాలు</p>
6	7	8	9
<p>అధికారి.</p>		<p>11</p> <p>DAKSHINAPURAM REVENUE OFFICER NUZVID. 24/6/0</p>	<p>24/6/0</p>

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**FARMERS' AND AGRICULTURAL COOLIES'  
WELFARE IS THE GOVERNMENT'S OBJECTIVE**

**GOVERNMENT OF ANDHRA PRADESH**

**PATTADAR PASS BOOK**

**(ANNEXURE XIV-B)**

(Details of the land being cultivated by the owner, details of their land  
cist, loans etc)

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Photo of Agriculturist  
(The Mandal Revenue  
Office has to seal and  
Certified)  
Seal of the MRO

Government of Andhra Pradesh

Pattadar Pass Book

Patta No.943

1. Name of the Agriculturist : Budigam Haritha  
Name of the Father/Husband : W/o.Ramesh,  
With address
2. Whether belongs to Schedule Caste/Tribe or Backward Class : B.C.
3. Name of the village in which the lands situate : Mittagudem
4. Revenue Mandal : Nuziveedu
5. Revenue Division : -do-
6. District : Krishna
7. First Recorded date : 24.07.2004

Signature of the Agriculturist Or Thumb Impression	Sd/- Signature of Village Administrative Officer	Sd/- MRO Nuziveedu
--	--	--------------------------

\*Here the number of the title deed of the land which was given to the owner\*

// Translated copy //

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1. Sri/Smt/Kumari... Keete.Satyanarayana Prasad, S/o.Subbaiah

**Land Particulars**

Sl.No.	Survey Number, Sub- Division Number	<u>Classification</u> <u>Wet/dry</u> <u>Aruthadi</u>	<u>Extent</u> <u>Acres-cents</u> <u>Acres-</u> <u>Guntas</u>	Tax/Cess	
				Rs.	Ps
1	2	3	4	5	
	188	Dry	2.50	21.74	
Sd/- Mandal Revenue Officer Nuziveedu					

// translated copy //



48

Cultivating personally and given to lessees, mortgagors			
Nature of Right Owner/Lessee/ Mortgagor	Cultivating the land owned by Lessee/Mortgagor. Name of the pattadar whom the land is taken for lease	Mandal Revenue Officer or /signature of the competent authority	Remarks
6	7	8	9
Owner			
Sd/- Mandal Revenue Officer, Nuziveedu			

// translated copy //

49

తెలుగు భాషాభివృద్ధి కమిషన్



తెలుగు భాషాభివృద్ధి కమిషన్

హైదరాబాద్

తెలుగు భాషాభివృద్ధి కమిషన్

హైదరాబాద్

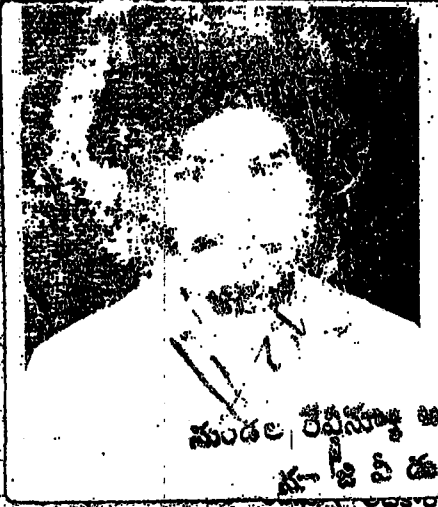
50

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308829

అంధ్రప్రదేశ్ ప్రభుత్వం  
వ్యవసాయ పాప నివారణ

వస్తా నెం. \*  
168



1. వ్యవసాయదారు పేరు, తండ్రి/భర్త పేరు, నియమానా
2. పెద్దయ్యలు కులం/పెద్దయ్యలు తెగ లేదా వెనుకబడిన తరగతికి చెంది ఉన్నారా
3. భూములు ఉన్న గ్రామం పేరు
4. రేపిన్యా మండలం
5. రేపిన్యా డివిజను
6. జిల్లా
7. తొలి నమోదు చేసిన తేదీ

గృ. సామంతరావు  
వ్యవసాయదారు నియంత్రకం  
లేదా  
తొలిన వ్రేలి ముద్ర.

(ముద్ర వేయాలి)  
శ్రీ కృష్ణ వారాహి  
ఆనంద్ కుమార్

దీక్షిత్  
శ్రీకృష్ణ

2.2.96

ముదల రేపిన్యా అధికారి  
మాజీ ఏ డి

\* \* ఇచ్చట యజమానికిచ్చిన బొమ్మ యజమానియ్యది కాదు. ఎల్లము పున్న వస్తా వెంటకు వ్రాయాలి.

2010-1

[illegible]

**పూర్వ వివరాలు**

1950	1950	1950	1950
1950	1950	1950	1950
177	2-13	3-72	4-61
178	6	0-72	1-42
179/2	6	1-61	2-4
180	6	2-50	3-37

432

٥٦

గారు స్వయంగా పాగుచేయు మరీయు కొందరైనను రాక్షసుడార్లను ఇచ్చిన

నాక్కు పట్టానం యజమాని/ కొలుదూరు/ తాకట్టుదారు	సాంకేతిక దామని పాగుపేర్లు కొలుదూరు/ తాకట్టుదారు, ఎవరి యజమాని గా తీసుకోవాలి? అ పట్టాదారు పేరు	మంజూర రెవెన్యూ అధికారి (లేదా) పట్టిక అధికారి సంకేతం.	వివేచనలు
6	7	8	9
1000	పి.ఆర్.ఎం		
6	6		
6	6		
6	6	<p>మంజూర రెవెన్యూ అధికారి హా. కి. పేరు</p>	

52 ✓  
**FARMERS' AND AGRICULTURAL COOLIES'  
WELFARE IS THE GOVERNMENT'S OBJECTIVE**

**GOVERNMENT OF ANDHRA PRADESH**

**PATTADAR PASS BOOK**

**(ANNEXURE XIV-B)**

(Details of the land being cultivated by the owner, details of their land  
cist, loans etc)

53

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300329

Photo of Agriculturist  
(The Mandal Revenue  
Office has to seal and  
Certified)  
Seal of the MRO

Government of Andhra Pradesh

Pattadar Pass Book

Patta No.168

1. Name of the Agriculturist : Keete.Satyanarayna  
Prasad  
Name of the Father/Husband : S/o.Subbaiah,  
With address
2. Whether belongs to Schedule  
Caste/Tribe or Backward Class :
3. Name of the village in which : Digavalli  
the lands situate
4. Revenue Mandal : Nuziveedu
5. Revenue Division : -do-
6. District : Krishna
7. First Recorded date : 02.02.1996

Sd/-

Signature of the Agriculturist  
Or  
Thumb Impression

Signature of Village  
Administrative Officer

Sd/-  
MRO  
Nuziveedu

\*Here the number of the title deed of the land which was given to the  
owner\*

// Translated copy //

54

1. Sri/Smt/Kumari... Keete.Satyanarayana Prasad, S/o.Subbaiah

Land Particulars

Sl.No.	Survey Number, Sub- Division Number	<u>Classification</u> <u>Wet/dry</u> <u>Aruthadi</u>	<u>Extent</u> <u>Acres-cents</u> <u>Acres-</u> <u>Guntas</u>	Tax/Cess	
				Rs.	Ps
1	2	3	4	5	
	177	Dry	3.72	4.87	
	178	-do-	0.72	1.42	
	42/2	-do-	1.61	2.4	
	188	-do-	2.50	3.30	
Sd/- Mandal Revenue Officer Nuziveedu					

// translated copy //

55

Cultivating personally and given to lessees, mortgagors			
Nature of Right Owner/Lessee/ Mortgagor	Cultivating the land owned by Lessee/Mortgagor. Name of the pattadar whom the land is taken for lease	Mandal Revenue Officer or /signature of the competent authority	Remarks
6	7	8	9
Owner	Pattadar		
	Sd/- Mandal Revenue Officer, Nuziveedu		

// translated copy //



రైతుల, రైతుకూలీల క్షేమ ప్రభుత్వ ద్వారా



ఆంధ్రప్రదేశ్ ప్రభుత్వము

పట్టాదారు పాసు పుస్తకము

[అనుసూచిక XIV-B]

(యజమాని, సాగుదేయి, బాముల వివరములు)

వాటి చూపిస్తూ, ముద్రా వేయవలెను)

57

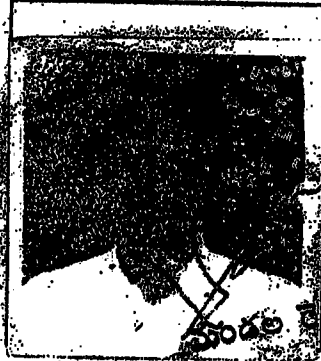
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300343

అంధ్రప్రదేశ్ ప్రభుత్వం  
పట్టాదారు పాసు పుస్తకం

పట్టా వెం. \* \*

168



మండల రెవెన్యూ అధికారి  
వ్యవసాయదారుని ఫోటో జి.పి.డు

(డివిని మండల రెవెన్యూ అధికారి  
ద్రువపరచి, ముద్ర వేయాలి)

కె.ఎల్.ఎం.ఎస్.ఎస్.ఎస్.ఎస్.  
కె.ఎల్.ఎం.ఎస్.ఎస్.ఎస్.ఎస్.

1. వ్యవసాయదారు పేరు, తండ్రి/భర్త  
పేరు, చిరునామా

2. షెడ్యూలు కులం/షెడ్యూలు తెగ  
లేదా వెనుకబడిన తరగతికి చెంది  
ఉన్నారా

3. భూములు ఉన్న గ్రామం పేరు

4. రెవెన్యూ మండలం

5. రెవెన్యూ డివిజను

6. జిల్లా

7. తొలి నమోదు చేసిన తేది

వ్యవసాయదారుని సంతకం  
లేదా

బొటన వ్రేలి ముద్ర.

గ్రామ పరిపాలనాధికారి  
సంతకం

మండల రెవెన్యూ అధికారి  
అధికారి సంతకం  
కార్యాలయ ముద్ర వేయాలి

\* \* ఇచ్చట యజమానికిచ్చిన యాభి యాజమాన్యపు బాక్కు పత్రము పున్న పట్టా నెంబరు  
వ్రాయాలి.

2010-1



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**FARMERS' AND AGRICULTURAL COOLIES'**  
**WELFARE IS THE GOVERNMENT'S OBJECTIVE**

**GOVERNMENT OF ANDHRA PRADESH**

**PATTADAR PASS BOOK**

**(ANNEXURE XIV-B)**

(Details of the land being cultivated by the owner; details of their land  
cist, loans etc)

60

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300343

Photo of Agriculturist  
(The Mandal Revenue  
Office has to seal and  
Certified)  
Seal of the MRO

Government of Andhra Pradesh

Pattadar Pass Book

Patta No.168

1. Name of the Agriculturist : Keete.Babu Malleswara  
Raju  
Name of the Father/Husband : S/o.Subbaiah,  
With address
2. Whether belongs to Schedule  
Caste/Tribe or Backward Class :
3. Name of the village in which : Digavalli  
the lands situate
4. Revenue Mandal : Nuziveedu
5. Revenue Division : -do-
6. District : Krishna
7. First Recorded date : 02.02.1996

Sd/-

Signature of the Agriculturist  
Or  
Thumb Impression

Signature of Village  
Administrative Officer

Sd/-  
MRO  
Nuziveedu

\*Here the number of the title deed of the land which was given to the owner\*

// Translated copy //

61  
1. Sri/Smt/Kumari... Keete.Malleswara Raju, S/o.Subbaiah

Land Particulars

Sl.No.	Survey Number, Sub- Division Number	<u>Classification</u>	<u>Extent</u>	<u>Tax/Cess</u>	
		<u>Wet/dry</u> <u>Aruthadi</u>	<u>Acres-cents</u> <u>Acres-</u> <u>Guntas</u>	Rs.	Ps
1	2	3	4	5	
	178	Dry	4.43		
	42/2	-do-	1.79		
	188	-do-	2.50		
Sd/- Mandal Revenue Officer Nuziveedu					

// translated copy //

62

Cultivating personally and given to lessees, mortgagors			
Nature of Right Owner/Lessee/ Mortgagor	Cultivating the land owned by Lessee/Mortgagor. Name of the pattadar whom the land is taken for lease	Mandal Revenue Officer or /signature of the competent authority	Remarks
6	7	8	9
Owner			
Sd/- Mandal Revenue Officer, Nuziveedu			

// translated copy //

63

రైతుల, రైతుకూలీల క్షేమం ప్రభుత్వ ద్వారా



అంధ్రప్రదేశ్ ప్రభుత్వము

యోగి సమాజసేవకై హక్కు - పత్రము

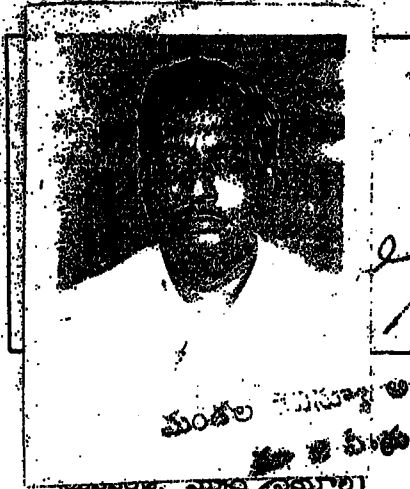
[అనుసూచిక XIV-A]



300327

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పట్టా నెం. 167



మంజుల - మహాబలికావి  
మ. శ. పం. శ్రీ

1. నట్టాదారు పేరు, తండ్రి/భర్త పేరు, విరునామా
2. షెడ్యూలు కులం/షెడ్యూలు తెగ లేదా వెనుకబడిన తరగతికి చెంది ఉన్నారా
3. భూములు ఉన్న గ్రామం పేరు
4. రెవిన్యూ మండలం
5. రెవిన్యూ డివిజను
6. జిల్లా
7. తొలి నమోదు చేసిన రేడి

ਦੀ ਭਾਵਨਾ  
ਮਨੁਸ਼ੀ ਹੈ

১০৫

2-2-96

పల్నాదారుని సంతకం

గ్రామ పరిపాలనా కమిషన్  
నంతకం. 40  
మంగళూరు

మండ్రి జైల్లో ఉన్నా ఆధికారి  
అధికారి సంప్రకం పేరు  
ర్యాయ ముద్ర, చేతి.

Revenue Divisional Officer  
NUZVID

వేట

శ్రీ/శ్రీమతి/కుమారి జి.జి.ఆర్.ఆర్.ఎస్.ఎస్.

50

کتابخانه شخصی حضرت آیت الله العظمی

569

... గారి స్వరూప భూములు

7	8	9	10	11
మండల రెవెన్యూ అధికారి, నంతకం, ముద్ర	మౌలిక విలువ రిజిస్టరు ప్రకారం ఎకరం రేటు	గత 13 సంవత్సరాలకు సంబంధించిన రిజిస్టరు అయిన రుద్దాదిభారాల వివరాలు పత్రం వెంటబడు	నల్ రిజిస్ట్రార్ నంతకం, ముద్ర	విశేషాంశాలు
	30,000/-			
	చీఫ్ 50/-			
	32,000/-			
	32,000/-			
మండల రెవెన్యూ అధికారి మా జి పేరు			(Signature) <b>SUB-REGISTRAR NUZVID.</b>	

మండల కేంద్రము బదికా  
నూ జి పీ డు

SUB-REGISTRAR  
NUZYID.

66

**FARMERS' AND AGRICULTURAL COOLIES' WELFARE IS THE  
GOVERNMENT'S OBJECTIVE**

**GOVERNMENT OF ANDHRA PRADESH**

**LAND OWNERSHIP RIGHTS DOCUMENT**

**(ANNEXURE XIV-B)**

F

67

300327

Andhra Pradesh Government  
Title Deed Document

Photo

Patta No. 167

1. Name of the Patta Holder : Keete Anjaneyamurthy  
Father's/Husband's name : Subbaiah  
Address :
2. Belongs to Schedule Caste/  
Schedule Tribe Or Backward Class :
3. Name of the village where  
lands are located : Digavalli
4. Revenue Mandal : Nuziveedu
5. Revenue Division : Nuziveedu
6. District: : Krishna
7. Date on which it was first noted : 02.02.1996

Sd/-  
Signature or Thumb  
Impression of the  
Agriculturist

Sd/-  
Signature of the Village  
Secretary,

Sd/-  
Signature of  
Mandal Revenue Officer  
Nuziveedu

Sd/- (with seal)  
Special Grade Dy. Collector  
Revenue Divisional Officer  
Rangareddy East Division, Hyderabad

ROUND SEAL OF MANDAL REVENUE OFFICER, NUZIVEEDU,  
KRISHNA DISTRICT AFFIXED

**THE OWNED LANDS OF A.V.BALAKRISHNAREDDY, S/O LATE VEERAREDDY AND (12) OTHERS.**

Sl.No	Sy.No., Sub- Division No.	Area Ac-Cts Ac-Gts	Classification Wetlands / Dry land / Rainfed	How obtained 1. Inheritance, or 2. Purchase, or 3. Any other transaction.	The details of the debt burdens if any as per the land records	Signature and seal of the Mandal Revenue Officer	Basic Value as per the register Ac. Rate in Rs	The details of the registered debt burdens for the last 13 years Document No.	Signature of the Sub Registrar and seal	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	177	4.43	Dry	Ancestral			30,000/-			
2	42/2	1.00	--do--	-do-			50/-per Sq.Yd			
3	42/3	0.38	--do--	-do-			32,000/-			
4	188	2.75	-do-	-do-			32,000/-			

**Sd/- (Mandal Revenue Officer), Nuziveedu**

**//TRUE TRANSLATION FROM TELUGU//**



BEFORE THE A.P. ENDOWMENTS TRIBUNAL AT HYDERABAD

Present: Sri B.SIVA SANKARA RAO, M.Com., LL.M.

CHAIRMAN &

SRI C.RAGHUPATHI, B.A., L.L.M.

MEMBER

Dated, this the 15<sup>th</sup> day of March, 2011

O.A.No.2168/2010

(Old No.178/2005 of D.C., Kakinaada)

Between:

1. Asst. Commissioner, Endowments Dept., Vijayawada,

2. Sri Seetharama Swamy Temple, Digavalli(V),

Nuzvid Mandal, Krishna District,

Rep. by its Manager, Digavalli(V)

Vs.

... Petitioners/Applicants

1) Kethe Anjana Murthy, S/o Late Pedda Subbaiah,

2) Kethe Chakradhara Rao, S/o -do-

3) Kethe Venkata Narayana, S/o Late Chinna Subbaiah

4) Kethe Krishnafah, S/o -do-

5) Kethe Somulu, S/o -do-

R1-5 R/o Digavalli (V), Nuzvid Mandal, Krishna Dist.

6) Kethe Satyanarayana S/o -do-

R/o Employees Colony, Nuzvid, Krishna Dist.

... Respondents/Opp. parties

This O.A. is coming for final hearing before us in the presence of Sri G.V.KrishnaPrakash, Advocate for the Applicants and Sri R.Venkateswarlu, Advocate for Respondents, heard both sides and perused the entire material including oral & documentary evidence on record, and the matter having stood over for consideration to this day, this Tribunal made the following:-

J U D G M E N T (A W A R D).

1). The Assistant Commissioner, Endowments Department, Vijayawada (1<sup>st</sup> Applicant) has forwarded the proposals U/s.83 of the Act, 30/1987 submitted by the 2<sup>nd</sup> Applicant-Temple, represented by its Manager against the Respondents, so called encroachers of Ac.16.56 Dry land (Mango Thopu) under Patta No.504, S.No.188, R.S.No.188 at Mittagudem, Digavalli Village, Krishna Dist. belongs to 2<sup>nd</sup> Applicant-Temple, with the averments that the schedule property was under unauthorized occupation of the Respondents since 1960 and from their father's time, that the Respondents are continuing in enjoyment of the schedule property without any valid lease approval orders of the competent authority and without even paying amounts towards damages for use and occupation by squatting over the property and failed to vacate despite legal notice, that the schedule property fetch huge amount if leased out as per rules and thereby requested to take necessary action for an order removing the respondents from encroachment. The same was taken on file and notice U/Sec.83 (2) of the Act was issued to the Respondents to put forth their defence if any.

2). The 1<sup>st</sup> Respondent filed counter adopted by R2-6 dt.26.4.2006, while denying and disputing the petition averments, contending that the schedule property is the exclusive property of the respondents since their ancestors, that notices were exchanged between the petitioner temple and Kethe Pedda Subbaiah and China Subbaiah about 50 years back and Pedda Subbaiah and Chinna Subbaiah

DisNo - 453  
18-4-11

Andhra Pradesh Endowments Tribunal

Superintendent

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specifically denied title of the temple and claimed as their own the said property and MC 42/1944 was filed against them by the temple trustees and it was decided on 5.3.1945 against the temple and they filed no appeal and later in the ATP 1/1971 before the Tahasildar Court filed by the Temple against the said Subbaiah the same was on contest dismissed and as such the findings therein operate as Res-Judicata, that when the Respondents and their family members since ancestors are the owners of Ac.17-29 cents in S.No.188 of Digavalli(V) and enjoying as absolute owners exclusively by paying taxes to the knowledge of one and all and obtained pattadar pass books also from the Revenue Authorities and out of the property an extent of Ac.12-29 cents is in the possession of Respondents 1 & 2 and their brothers being LR's of Pedda Subbaiah and the remaining property in the possession of Respondents 3 to 6 and their brother being LR's of Chinna Subbaiah and Pattadar Pass Book in favour of K.Suryaprakasa Rao S/o Pedda Subbaiah for Ac.2-50 cents in S.No.188 and Revenue Patta No.170 was issued and after death of Surya Prakasa Rao his daughter Budigam Haritha obtained pass book for the same in her name and she is also necessary party to the lis and all the children of Pedda Subbaiah and Chinna Subbaiah are not impleaded in the petition, that the temple has no right over the property and no locus standie or cause of action to file the petition against the Respondents who are owners of it and this forum has no jurisdiction to enquire the matter the petition is liable to be dismissed and sought for dismissal.

3). From the above, in the course of enquiry, on behalf of the Petitioners/Applicants, 4 witnesses were examined viz., PW1, PW2, PW4 and PW5 even from perusal of the docket proceedings of the D.C. and from the index sheet, there is no witness examined as PW3, it appears a mistaken outcome in the array instead of PW3 & 4 as PW 4 & 5 and likewise in the evidence of PW1 Ex.P1-7 were only marked, though it was referred as if Ex.P8-10 also marked in the evidence of PW2 since not marked. On behalf of the Respondents, R1 as RW1 and one G.Venkatesh as RW2 were examined and placed reliance upon Ex.R1-8.

4) After closure of the evidence, heard arguments of both sides and perused the written arguments submitted by the Respondents in 7 pages with 3 decisions placing reliance viz., AIR 1954 SC 526, para-33 on the principal that the plaintiff in ejectment suit must succeed on the strength of his own title by adducing evidence to discharge the owners lies on him irrespective of the defendant has proved his case or not. Even a mere destruction of the defendants title, in the absence of establishment of own title carries the plaintiff no where; and on the same analogy the other decision relied upon is AIR 1973 AP page 149 wherein the above proposition of the Apex Court was relied and the 3<sup>rd</sup> decision on the same analogy relied upon is DLR 2005 AP 1062 in Khaza Miyan Vs: Abbas Ali Khan wherein the above 2 decisions were placed reliance on the above principle. The contentions in the written arguments are that the petition particulars did not

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mention the date of encroachment by Kethe Pedda Subbaiah and Chinna Subbaiah while saying long back whereas the Respondents counter as well as evidence from MC 42/1944 (Ex.R3) shows their possession as pleaded from the year 1944 and Ex.R2 order of Deputy Commissioner, Endowments in O.A 329/60 and Ex.R1 order in ATP 1/1971 also shows the earlier litigation was decided in favour of Respondents herein and their possession also establishes from payment of taxes covered by bunch of receipts Ex.R5 and the Pattadar pass books R6-8 and it is their case that they are absolute owners of the property since their ancestors and not liable for eviction. From the evidence of the petitioners with reference to Ex.P1-7 shows Ex.P1 of the year 1961 also shows the possession of Kethe Subbaiah of the schedule property even by then and Ex.P2-6 are of the year 2004 or later and PW1 deposed that he cannot say how the temple acquired the schedule property and petitioners not filed any tax receipts to prove their possession and thereby the Revenue Adangals cannot be given credence and the petition is also bad for non-joinder of the other persons in possession of part of the schedule property covered by Ex.R3, R6 and R7 Pass books, that U/s 110 of the Indian Evidence Act, person having possession can claim better title to the others and as petitioners could not prove their title over the property they are not entitled to seek eviction and thereby sought for dismissal of the O.A.

5). From the above, the points arise for consideration to decide the lis are:

i). Whether the 2<sup>nd</sup> Petitioner Temple is the owner of the schedule property of Ac.16-56 cents in S.No.188 and the Respondents are in unauthorised occupation of the same as encroachers U/s 83 of the Act and are liable to be evicted?

ii). To what result?

6). Point-1: (i). From the very case of the Petitioners coupled with the evidence of PW1 the Manager, Ch.Raja Ram Mohan Rao, of the 2<sup>nd</sup> Applicant-Temple, PW2 VAO, PW4&5 the Villagers of Mittagudem/Digavalli in tune to the claim in the O.A. with reference to Ex.A1-A7 that the Petition schedule property of Ac.16-56 cents in S.No.188 belongs to the 2<sup>nd</sup> Applicant temple who is the owner of the same and the Respondents are in unauthorised occupation of the same. The PW2 was summoned to bring original Revenue records for Fair Adangal, No.3 Adangal and FMB (Plan) and deposed there from in proof of the copies of it marked as Ex.P2-FMB, P3-Fair Adangal and P4-No.3 Adangal and though there are no documents in PW2 chief examination evidence marked from the record it was mistakenly mentioned in the PW2 chief examination as if Ex.P8-10 marked by referring originals for Ex.P2-4. In fact, in the petition to summon PW2 through the Tahsildar that was allowed by the Deputy Commissioner on dt.5.11.2007 shows the 3 original documents for Ex.P2-4 shall be brought to give evidence. In the evidence of PW1, the Manager, Ch.Raja Ram Mohan Rao of the 2<sup>nd</sup> Applicant-Temple Ex.P1-P7 marked are Ex.P1 is the copy of Property Register dt.27.11.1961 U/s 25 of Endowments Act, 1951 (under old Act prior to Act, 17/1966) which shows from page-4&5 the landed property owned by the 2<sup>nd</sup> petitioner temple at

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Digavalli(V), in S.No.336 Ac.6-16 cents Inam Wet and S.No.362, Ac.6-11 cents Inam Wet in the temple control and 3<sup>rd</sup> item S.No.183, Ac.16-56 cents Inam Dry (the present petition schedule property) is in the possession of Kathe Subbalaah and he is not paying the rents from several years, besides the above Item 4 shown is site of 220 sq. yards with tiled house which is the residence of the Archaka. Ex.P2-is the copy of F.M.B.Plan of Digavalli(V) for S.No.188 shown as the extent Ac.16-56 cents, Ex.P3 is the copy of Fair Adangal of Mittagudem (V), which is the permanent record showing R.S No.188=Old S.No.396 Dry of the total extent of Ac.16-56 cents with Patta No.504 is owned by Sri Sitarama Swamy varu (2<sup>nd</sup> Petitioner Temple), Ex.P4 is the copy of No.3 Adangal issued on dt.2.10.2004 showing the S.No.188 full extent Ac.16-56 cents is a dry land with Patta No.504 owned by Sri Sitarama Swamy Devasthanam, which is the enjoy and it is with mango grove on rain fed cultivation, Ex.P5 is the copy of Revenue Title Deed in the name of the 2<sup>nd</sup> Petitioner deity for the land in S.No.188 Ac.16-56 cents Dry of Mittapalem(V) that was duly issued by the RDO after certified by the VAO and MRO in the year 2004, Ex.P6 is the Pattadar Pass Book for the Ex.P5 property in the name of the Deity that was duly issued by the MRO after certified by the VAO in the year 2004 and Ex.P7 is the copy of Regd.Notice issued by the 2<sup>nd</sup> petitioner Temple to the Respondents dt.29.09.2004 mentioning that the property of Ac.16-56 cents mango grove in S.No.188 is in the unauthorised occupation of the Respondents without paying any damages for use and occupation and without right and hence to vacate and handover possession of the same to the temple. The PW2 V.R.O-Veeraiah was summoned and examined by the petitioners referred the original records got by him for Fair Adangal, No.3 Adangal and FMB and the 2 more witnesses examined as PW4 & 5 for PW3 & 4 are K.Sundaram of Digavalli(V) and V.Mallaiah Swamy of Digavalli(V). From the above oral and documentary evidence let.in by the petitioners, it is prima facie establishing that the temple is the absolute owner of the property and it is the Respondents in possession no other than as encroachers' right from their ancestor Kathe Pedda Subbalaah and China Subbalaah. In the cross examination of PW1 he deposed that the litigation between the temple and the respondents is since their ancestors and the temple by then was under the management of Trustees. He deposed that the ATP 1/1971 filed for eviction of Kethe Subbalaah by the temple was dismissed on the contest raised by the said Subbalaah disputing temple's title over the schedule property. Ex.R1 is the CC of dismissal order in ATP 1/71, dt.9.6.1972, on petition for eviction filed by the temple against Kethe Subbalaah for the schedule property of Ac.16-56 cents in R.S.No.188, with averments that he was lessee from the year 1963 on crop sharing basis and for the notice in the year 1969 he failed to respond, the counter filed by the said Subbalaah was of no land lord and tenant relationship in existence and the property doesn't belong to the temple and his ancestors were paying rents to the Archakas as per the direction of the landholder for the property of Ac.12-00 western in their possession out of the schedule property and they got melvaram

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rights in the land attached to Archaka service, the Tahsildar after evidence dismissed the ATP holding that there is no landlord and tenant relationship proved to seek eviction. From the said reading of the counter of the said K.Subbaiah the property is burdened with Archakatvam service is admitted. When such is the case the inam land burdened with Archaka service is part of the Endowment as temple property and the Archakas cannot get any right over it and even under the Inams Abolition Act, 1956 no one is entitled to Rythvaripatta including Archakas but for the temple. It is not even the case of the Respondents much less the said Subbaiah's in the Ex.R1 ATP 1/71 proceedings, that they are purchasers from the said Archakas. It is none of their case even that any Ryoth vari Patta was obtained under the Inams Abolition Act, 1956 by change of Inam tenure into Rythvari by the Archakas or by themselves. Any such alienation is also void under law though the same doesn't arise to go into it in the present facts, including to go into the principle laid down in the Apex court's expression in Peddinti's case AIR 1996 SC 996. The Ex.P1 Property Register dt.27.11.1961 U/s 25 of Endowments Act, 1951 (under old Act prior to Act, 17/1966) even shows from page-485 the present petition schedule property as 3<sup>rd</sup> item in S.No.183, Ac.16-56 cents Inam Dry admittedly in the possession of Kathe Subbaiah and he was not paying any rents/damages from several years and the same is also placed reliance on by the Respondents including from the above referred written arguments contents and when such is the case and when the land originally even from the above case of the Respondents part of Archaka service inam and the Respondents ancestors were cultivating by paying the income as remuneration to the Archakas, it was nothing but by acknowledging the right of Archakas of the land burdened with service and in turn the title of the temple practically even there was any contention disputing that the temple is not the owner for contention sake. As such the mere non-filing of appeal against the ATP orders no way operates as Res-judicata more particularly and the right of the temple over the property to recover from what was decided within the limited scope therein in a quasi judicial proceeding was non existence of the jural relationship of landlord and tenant and nothing more. However, the counter contentions therein as admission referred above bind them and as their legal heirs the Respondents. In the PW1 further cross examination, he was also confronted with Ex.R2 and the contest of the Respondents K.Subbaiah's therein as the property doesn't belong to the temple. Ex.R2 is the CC of order No.310 dt.24.10.1962 in O.A 329/60 suo motto proceedings of the Deputy Commissioner under Sec.58 of the Endowments Act, 19/1951 against the said Kethe Subbaiah and Kathe Subbaiah in possession of Ac.5-00 cents and Ac.8-56 cents respectively out of the schedule land in R.S.No.188 = old S.No.396 of nearly Ac.17-20 cents, wherein the contest of trustee Y.Venkateswara Rao was as temple property and the contest of the said Subbaiah's in their counter dt.24.3.61 was that portion of the schedule property is not the temple property and it was not dedicated to the temple and they had no

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objection to pay land revenue due to the Archaka for the Archakatvam service for the said land which is in R.S.No.188 and R1 trustee has no manner of right over it. It was from the above contest disposed off by observing that the R1 trustee has not taken action against the said Subbaiah for unauthorised possession for recovery and they are contending as if in rightful possession subject to payment of rent over the property at Rs.6/- to the Archakas of the temple through the original landholder of Aswaraopet under tenure estate and that they paid the said rents to the Archakas for Archakatvam service upto 1940. As there is a dispute raised by them, the remedy open to the temple trustee is to recover possession of the lands from them by regular proceedings U/s 87 of the Act, 19/1951 or by a Civil Suit. In the further cross examination of PW1 he was also confronted with Ex.R3. Ex.R3 is C.C of the order of the Addl. First Class Magistrate, Bezawada in M.C 42/1944 dt.5.3.1945 on the application of Kethe Subbaiah U/s 145 CrPC against Yelamanchili Venkateswara Rao and others alleging that they were trying to trespass into the Archakas Dry Inam land of Ac.17-17 cents in his possession since his father's time along with his family members and the contest by R1 therein was Dharmadhikari of the temple and was leasing out of lands in question from 1942 that belong to the temple and from the contest and evidence observed that the petitioner in possession and the Respondents were trying to dispossess, hence ordered continuation of possession of the said Kethe Subbaiah. Admittedly the temple or Endowment Department are not parties to the said MC 42/44 proceedings. It is the settled law that the disputes relating to immovable properties u/s 145 CrPC are quasi criminal proceedings of executive magistrate for maintenance of existing status quo of possession of the person to prevent breach of peace and law and order problem in society as a temporary arrangement till parties go to competent civil court to decide the lis. Thus, any finding therein from no right to decide right and title over the property, no way binding either as estoppel or obiter much less as Res-judicata. It at best helps for the proof of possession since then to say from 1944 that is also the contest of the Respondents to say as proved their possession from 1944 from the above. PW1 in the further cross examination deposed that he doesn't know whether any pattadar pass books were obtained by the Respondents for any part of the properties. He denied the suggestion of Ex.P3-5-Fair Adangal, No.3 Adangal and Pattadar Pass Book and Title deed in favour of the temple for the property are fabricated documents. In fact, the PW2 by bringing of the original records for Ex.P2-4 viz., FMB, Fair Adangal permanent record and No.3 Adangal records deposed with reference to the same and he was cross examined and deposed therein also in proof of the same and further deposed that the Ex.P5&6 Pattadar pass book and title deed issued in favour of the temple by the Revenue Department are also genuine. No doubt he deposed about Ex.R3, 6-8 Pattadar Pass Books were also issued in the name of the Respondents or their family members. The evidence of PW4&5 is also in tune to the evidence of PW1 and corroborating the same. From the above, when prima

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facie the title over the property as that of the temple is established and the permanent revenue record also shows the temple as owner for the land, it is suffice to say the petitioners proved their entitlement of the property as belongs to the temple.

6) (ii). This conclusion is substantiated by the settled position of law laid down in the above referred RVEE Gounder Vs., RVS Temple's case also reported in 2003(8)-Supreme Today-194 at 196. In this case, the Apex Court discussed that, in civil cases the proof is by preponderance of the probabilities including in suits relating to ejectment or declaration of title or for possession; and the burden shifts from initial burden on the plaintiffs if able to establish from preponderance of probabilities the entitlement, on the defendant to rebut the same including with specific claim on their part if any. It is in explaining the earlier propositions of law (covered by the decisions relied on by the Respondents in their written arguments) that in a suit for ejectment that plaintiff shall win or lose his case only on his own strength, that the principle does not mean the burden is static all-through on plaintiff or it shall never shifts on defendant even if the plaintiff is able to establish his case from preponderance of the probability as to what is meant by proved, not proved or disproved required to consider the above expressions with reference to Section 3 of Evidence Act, without going into the other components-"may presume, shall presume and conclusive proof", from the very definition, proved, not-proved and dis-proved to say not-proved is when it is neither proved nor dis-proved, it requires considering the matters before the Court on any fact for either believes it to exist or does not exist (which is by direct evidence), or considers its existing so probable that a prudent man ought under the circumstance of a particular case to act upon the supposition that it exists or it does not exist (which is by circumstantial evidence). At para-25 of the judgment, the Apex Court clearly held that, in a suit for ejectment once plaintiff has been able to create a high degree of probability to say as proved, so as to shift the onus on the defendant, it is for the defendant to discharge his onus and in the absence thereof, the burden of proof lies on the plaintiff shall be held to have been discharged so as to prove the plaintiff's right/title.

6) (iii). From the above, it is to be seen how far the Respondents discharged their burden to rebut the case of the petitioners and in proof of their claim as owners or of any entitlement by adverse possession over the property extinguishing the right of the temple thereon concerned, the 1<sup>st</sup> Respondent Sri Anjaneya Murthy, S/o Pedda Subbalaah, who was examined as RW1 deposed in his chief examination in tune to the counter contest and by referring to Ex.R1-R8. Among the Ex.R1-R8, the Ex.R1 to R3 were discussed above in detail which no way establish their right and title over the property but for possession from their ancestors time as claimed by them from the year 1944. He also deposed in his cross examination that in the Ex.R1-3 orders the forum respectively did not decide title in favour of their father of RW1 but for observed in Ex.R2 that in view of the

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dispute tenancy relationship doesn't arise. The Ex.R4 is the Pattadar Pass Book admittedly issued in July, 2004 in the name of Budigam Haritha of Mittapalem for Ac.2-50 cents in S.No.188 by mentioning as ancestral property and admittedly no partition list filed though stated to be in existence for obtaining such a pass book in her name. Ex.R5 marked is bunch of (66) Tax receipts in the name of Kethe subbayya or his family members and some of which only relate to patta no.504 and from the extents mentioned covers only for part of the schedule property. Ex.R6 Pattadar pass book also admittedly mentioned for equal extent in the Sy.No. as ancestral property in the name of brother of RW1 and Ex.R8 pass book admittedly in his name for similar extent in the Sy.no. The Ex.R4 from its perusal shows it is without further particulars as to how she got the property and whether from her father and without mention even of full extent and to which part of full extent the same was given, same is also the case of non-description of the part of the extents for the pass books said to have been obtained covered by Ex.R6-8. Ex.P6 is the Pattadar pass book issued in the name of Kethe Satyanarayana(R6), for only ac.2-50cents in Sno.188 and other properties in other survey numbers, likewise, Ex.P7 is the Pattadar pass book issued in the name of Kethe Babumalleswara Rao, for only ac.2-50cents in Sno.188 and other properties in other survey numbers, Ex.P6 is the Pattadar pass book issued in the name of Kethe Satyanarayana(R6) and likewise, Ex.P8 is the Pattadar pass book issued in the name of Kethe SriAnjaneya Murthy(R1), for only ac.2-75cents in Sno:188 and other properties in other survey numbers and PW2 was also cross examined with reference to the said four Pattadar pass book issued-viz, Ex.R3,6-8; which are covered for only ac.10-25cents in Sno.188- patta no.504, out of the schedule property total extent of Ac.16-56cents. It is the settled law that entries in Revenue records are not documents of title however in the absence of other documentary evidence the entries in the permanent revenue records establish ownership and title over the property. Here Ex.P1 property register of the temple of the year 1961 clearly establishes from the entry of the temple as owner of the schedule property among other properties and the village fair Adangal a permanent revenue record also shows from Ex.P2 the temple as the pattadar and owner as a corroborative piece of evidence one to the other coupled with Ex.P3 Adangal entries of the Revenue records showing the temple as pattadar and owner and against that evidence but for relying upon Ex.R1-3 showing the Respondents possession since ancestors from 1944 there is nothing to show any entitlement there under. Further, from Ex.R5 at best substantiates their possession from 1965. Further from Ex.R4, 6-8 Pattadar Pass books nothing can be stated about right of respondents and their brothers or other family members over the property as similar pass book was also issued with title deed duly by the Revenue Authorities in favour of the petitioner temple which is substantiated by Ex.P1 to P4 referred above and there is no further proof for respondents to substantiate Ex.R4, 6-8 much less possession there under. From this, as the respondents failed

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to prove any worth evidence of passing of title in favour of the Respondents over the property, which is admittedly the land burdened with Archaka service to pay there from for the Archakas in service remuneration which the Respondents ancestors stated failed as per their contests in Ex.R1-3 referred above for some period and thereby apart from they cannot claim adverse possession, from their admitted case of the possession of the property by their ancestors was from the year 1944, even taken for arguments sake their possession was by setting up title of their own adverse to the right and title of the temple, they cannot claim adverse possession from what is required to establish proof of adverse possession of the lands covered under the Act U/s 143 of the Act, for Andhra area is perfecting title by adverse possession prior to 30.9.1951 and from 1944 there is no such 12 years period much less with hostile title to claim adverse possession and extinguishing of right of the temple over it. The clear case of the petitioners is that it is the respondents alone that are in the possession of the property which is proved as unauthorised as encroachers. From filing of ExR4, 6&7 3 persons who are not party respondents to the OA shown obtained pattadar pass books for Ac.2-50 cents each in the S.No.188 out of the schedule property of Ac.16-56 cents and the respondents filed their pattadar pass books by obtaining from their in this case to contest on their behalf of also and they did not chose to come to record despite the above from their knowledge of the proceedings but for taken a plea by the counter of the respondents without even mention as to who others were also in possession but for saying non-joinder of son of the brothers of the respondents as necessary parties and in fact from the said contest of the petitioners the question of joining the other brothers or other family members of Respondents doesn't arise as according to them it is the Respondents alone in possession are to be evicted. Even for arguments sake, those three persons also with reference to Ex.R4, 6-8 taken in possession of respective extents of Ac.2-50 cents each unspecified as to in which part therein as discussed above, can resist delivery of possession of the respective extents in the event of proof of their actual possession for the respective extents in the course of taking delivery of the property and beyond that the Respondents cannot contend the O.A proceedings as not maintainable for those are no way necessary parties so to disentitle the O.A claim on maintainability.

6) (iv). Thus, the respondents possession, could not be proved by any entitlement, is thus nothing but unauthorised, to bring them within the scope of Sec.83 of the Act,30/87 as encroachers. Thus, the Respondents are only continuing in unauthorized occupation of the schedule property belongs to the 2<sup>nd</sup> Applicant-temple and they are declared as 'encroachers' over the schedule property. They failed to vacate to the demands and the continuation of the respondents are without any right and thereby liable to be evicted. Therefore, it is just to order the Respondents to vacate and hand over the schedule property

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with in one month by written intimation to the Petitioners or else to evict the Respondents by 1<sup>st</sup> Petitioner (Assistant Commissioner) with police aid.

7). Accordingly and in the result, the OA is allowed with costs and the Respondents are directed to vacate and hand over the Schedule property (Schedule is appended to the decree of the award) with in one month by written intimation to the Petitioners, else to vacate them and any body claiming through them or under them by the First Petitioner (Assistant Commissioner) with police aid and deliver possession of the same to the Second Petitioner (The SHO, Nuzvid Police Station is directed to provide necessary police assistance in implementation of the AWARD directions to the Assistant Commissioner on his written requisition to vacate the Respondents if they fail to vacate with in one month from today. The Assistant Commissioner is directed to report monthly progress of vacation by respondents or their eviction by Assistant Commissioner by execution of Award with out fail. Advocate fees fixed is Rs.2,000/-.

Typed to dictation on computer by Typist, corrected and pronounced by me in open court this the 15<sup>th</sup> day of March, 2011.

CHAIRMAN, APET-CUM-DISTRICT JUDGE.

MEMBER, APET-CUM-Additional Commissioner, Endowments.

**APPENDIX OF EVIDENCE  
WITNESSES EXAMINED**

**For Petitioners/Applicants**

P.W.1:Ch.Raja Rama Mohan Rao  
P.W.2:G.Veeraiah  
P.W.4:Kopuri Sundaram  
P.W.5:Vemuri Mallayya Swamy

**For Respondents/Opposite Party**

R.W.1:Kethe Sri Anjaneya Murthy  
R.W.2: Gunturu Venkatesh

**DOCUMENTS MARKED**

**For Petitioners/Applicants**

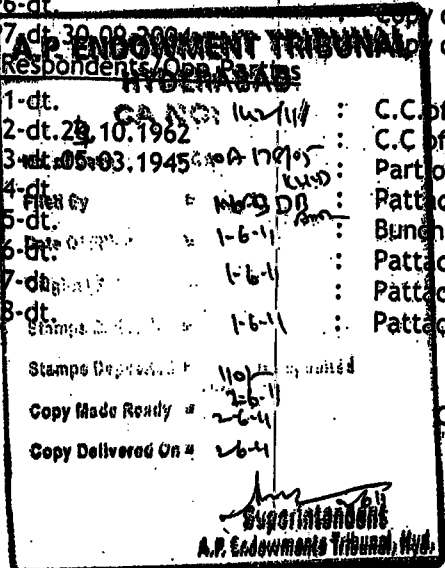
Ex.P1-dt:27.11.1961  
Ex.P2-dt:04.10.2004  
Ex.P3-dt:02.10.2004  
Ex.P4-dt.  
Ex.P5-dt.  
Ex.P6-dt.

: Copy of Property Register U/s 25  
: Copy of F.M.B.Plan  
: Copy of Fair Adungals  
: Copy of No.3 Adungal  
: Copy of Pattadar Title Passbook  
: Copy of Pattadar Passbook  
: Copy of Notice issued to the Respondents

**For Respondents/Opposite Party**

Ex.1-dt. : C.C. of Orders in ATP No.1/1971  
Ex.2-dt:29.10.1962 : C.C. of Order No.310  
Ex.3-dt:05.03.1945 : Part of the Schedule Property under MCNo.42 of 44  
Ex.4-dt. : Pattadar Passbook & Title deed of B.Haritha  
Ex.5-dt. : Bunch of Tax receipts relating to the property  
Ex.6-dt. : Pattadar Passbook of Kethe Satyanarayana  
Ex.7-dt. : Pattadar Passbook of Kethe Babu Malleswara Raju  
Ex.8-dt. : Pattadar Passbook of Kethe Anjaneya Murthy

Stamps Deposited : 110/-  
Copy Made Ready : 26/-  
Copy Delivered On : 26/-



CHAIRMAN, APET-CUM-DISTRICT JUDGE.

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Superintendent  
Andhra Pradesh Endowments Tribunal  
Hyderabad



**BEFORE THE A.P. ENDOWMENTS TRIBUNAL AT HYDERABAD**

**Present: Sri B.SIVA SANKARA RAO, M.Com., LL.M.**

**CHAIRMAN &**

**SRI C.RAGHUPATHI, B.A., LL.M.**

**MEMBER**

**Dated, this the 15<sup>th</sup> day of March, 2011**

**O.A.No.2168/2010**

**(Old No.178/2005 of D.C, Kakinada)**

**Between:**

1. Asst. Commissioner, Endowments Dept., Vijayawada,
2. Sri Seetharama Swamy Temple, Digavalli(V),  
Nuzvid Mandal, Krishna District,  
Rep. by its Manager, Digavalli(V)

**Vs.**

**... Petitioners/Applicants**

- 1) Kethe Anjana Murthy, S/o Late Pedda Subbaiah,
- 2) Kethe Chakradhara Rao, S/o -do-
- 3) Kethe Venkata Narayana, S/o Late Chinna Subbaiah
- 4) Kethe Krishnaiah, S/o -do-
- 5) Kethe Somulu, S/o -do-
- R1-5 R/o Digavalli (V), Nuzvid Mandal, Krishna Dist.
- 6) Kethe Satyanarayana S/o -do-

**R/o Employees Colony, Nuzvid, Krishna Dist. ... Respondents/Opp. parties**

This Original application is filed under Section 83 of the A.P.C. and H.R.I. & Endowments Act, 30/1987 praying to pass an order evicting the Respondents from the appended schedule property claiming that they are encroachers having been squat on the property and that they were not even paying any amount with deaf ear and they have been without any right continuing as encroachers and sought for necessary action for removing their encroachment.

**Date of Presentation: 27-09-2005**

**Court of Fee: Court Fee of Rs.2/- is paid U/r. 476 of APC & HRI & E. Rules**

This O.A. is coming for final hearing before us in the presence of Sri G.V. Krishna Prakash, Advocate for the Applicants and Sri R. Venkateswarlu, Advocate for Respondents, heard both sides and perused the entire material including oral & documentary evidence on record, and the matter having stood over for consideration to this day, this Tribunal doth order and decree;

That the claim be and the same is hereby allowed as prayed for and with costs as follows:-

- (1). That the Respondents are directed to vacate and hand over possession of the Schedule premises (Schedule is appended to the decree of the award) within one month by written intimation to the Petitioners, else to vacate them and anybody claiming through them or under them by the First Petitioner (Assistant Commissioner) with police aid and deliver possession of the same to the 2<sup>nd</sup> Petitioner (Manager, Sri Seetharama Swamy Temple, Digavalli (V), Nuzvid (M), Krishna Dist);
- (2). The SHO, Nuzvid Police Station is directed to provide necessary police assistance in implementation of the AWARD directions to the Assistant Commissioner on his written requisition to evict the Respondents if they fail to vacate within one month.
- (3). The Assistant Commissioner is directed to report monthly progress of vacation by respondents or their eviction by the Assistant Commissioner by execution of the decree of the Award without fail.
- (4). The Respondents are liable to pay Rs.2,034/- towards costs of the petition/application to the Petitioners/applicants, which he shall deposit before the tribunal or directly to pay to the institution (to credit to the head of relevant account) within one month and obtain acknowledgement; failing which as per Section 136 of the Act 30/1987, the costs will be recovered as arrears of land revenue under the R.R. Act.

**"Certified to be True Copy"**

**Superintendent**

**Andhra Pradesh Endowments Tribunal**

**Hyderabad**



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Schedule of the property: The schedule property- R.S.No.188, Ac.16.56 Dry land (Mango Thopu) under Patta No.504, S.No.188 at Mittagudem, Digavalli Village, Krishna Dist. belongs to the 2<sup>nd</sup> Applicant Temple is bounded by- East- Suri Krishna Murthy; South- Donka Dari; West- Kethe Narasamma and North- Yalamanchali Venkateswara Rao.

Given under our hand and seal of this Tribunal, this the 15<sup>th</sup> day of March, 2011.

Chairman-Cum-Dist. Judge, APET.

<u>Table of Costs</u>	
For Petitioners	For Respondents
1. Stamp on main O.A.	2/-
2. Stamp on Vakalat	32/-
3. Stamp on process	NIL
4. Stamp on witness Bata	
5. Stamp on documents	
6. Advocate's Fee	2000/-
Total:	2034/-

Chairman-Cum-Dist. Judge, APET.

Note: 01).The Parties are entitled to copy of the Award and any of them can apply to get certified copy of the Award and decree on payment of usual charges;

02).Any of the parties if aggrieved by the Award and decree, got right of appeal subject to 2<sup>nd</sup> proviso as per Section-84(2) of the A.P.C.and H.R.I.&E.Act,30/1987 amended by Act33/2007, against the same within 90 days from the date of receipt of Award;

03).The parties should apply after appeal time if any and as soon as possible for return of all documents/exhibits filed by them and which they may wish to preserve, as the record will be liable to be destroyed after the stipulated period from this date.(Rule 9 of Rules under the destruction of Record Act,1917).

04).If any resistance is caused by the Respondent or anybody claiming under him to vacate and deliver/to take possession of the property by the Assistant Commissioner and with police aid if any, such of them are liable for prosecution under Section183IPC and other provisions of law-including under Section.86 of the Act,30 of 1987; likewise if there is any disobedience in implementation of the Order by the Assistant Commissioner and any failure of police to provide police aid with no just cause, they are also prone to prosecution under Section188&187IPC and other provisions of law.

Chairman-Cum-Dist. Judge, APET.

"Certified to be True Copy"

Superintendent:  
Andhra Pradesh Endowments Tribunal  
Hyderabad.

**A.P. ENDOWMENT TRIBUNAL  
HYDERABAD.**

CA NO: 142 / 11

No. of Cases = 04 04 17/05  
Filed By = SDB Amr  
Date of Filing = 1-6-11  
Original = 1-6-11  
Stamp = 1-6-11  
Stamps Deposited = 26-11  
Copy Made Ready = 26-11  
Copy Delivered On = 26-11

Superintendent  
A.P. Endowments Tribunal, Hyd.

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IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH  
AT HYDERABAD  
FRIDAY, THE SEVENTEENTH DAY OF JUNE  
TWO THOUSAND AND ELEVEN

PRESENT:  
THE HON'BLE SRI JUSTICE NOUSHAD ALI  
WPMP.NO:20066 of 2011

IN  
WP.NO:16708 of 2011

Between:

Keethe Anjana Murthy S/o. Late Pedasubbaiah, R/o. Leelanagar Employees  
Colony, Nuzividu Mandal, Krishna District.

...Petitioner(s)  
(Petitioner in WP 16708 of 2011  
on the file of High Court)

AND

1. The Government of Andhra Pradesh, rep. by its Principal Secretary,  
Endowments Department, Secretariat Buildings, Secretariat, Hyderabad.
2. The Assistant Commissioner, Endowments Vijayawada, Krishna District.
3. Sri Seetharama Swamy Temple, Degavalli village, rep. by its Manager cum  
Executive Officer, Nuzividu Mandal, Krishna District.
4. The A.P. Endowments Tribunal, Hyderabad.

...Respondents  
(Respondents in-do-)

Counsel for the Petitioner: SRI. GODEY SATISH

Counsel for the Respondents No. 1, 2 & 4: GP FOR ENDOWMENTS

Counsel for the Respondents No. 3 : V.T.M.PRASAD

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed in W.P. the High Court may be pleased to stay all further proceedings by suspending the order dated 15.03.2011 in O.A.No.2168 of 2010 on the file of the A.P. Endowments Tribunal, pending WP No. 16708 of 2011 on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

**ORDER**

Respondent Nos.2 and 3 herein filed O.A.No.2168 of 2010 (earlier O.A.No.178 of 2005 filed before the Deputy Commissioner of Endowments, Kakinada) invoking the jurisdiction of the A.P. Endowments Tribunal, Hyderabad, seeking eviction of the petitioner herein and others from occupation of the land in an extent of Acs.16.56 dry land (Mango Thopu) situated in Sy.No.188 of Mittagudem, Digavalli Village, Krishna District. The said application was resisted by the petitioner and others, who claim to be the co-owners, on the ground that the subject land is their ancestral property. They seek to rely on the proceedings in M.C.No.42 of 1944, dated 5.3.1945 on the file of the Additional First Class Magistrate, Bezvada, conducted under Section 145 Cr.P.C., the order passed under Section 68(1) of the Madras Hindu Religious and Charitable Endowments Act, 1951, the orders in A.T.P.No.1 of 1971 on the file of the Tahsildar, Nuzvid, under the provisions of the Andhra Tenancy Act and the Pattadar Pass Books and title deeds.

Contd.....2

From the pleadings and the material adduced as evidence before the Tribunal, it is evident that there is serious dispute with regard to the title between the parties. Therefore, the issue raised requires consideration in the main writ petition.

Indisputably, the petitioner and other co-owners of the land have been in possession for more than seven decades. Admittedly, they have also grown mango garden on the subject land. It appears that after the dismissal of the O.A., the respondents have auctioned the mango garden and in that connection, Sri V.T.M. Prasad, learned Standing Counsel for the respondents would submit that the subject land also has been taken possession.

The petitioner, in his affidavit, has categorically denied the same stating that the efforts made by the respondents for taking possession of the land did not materialize on his resistance and the subject land is still in his possession.

Even though the respondents seek to assert that they have taken possession of the subject land, the fact that there is mango garden with crop would apparently show that the physical possession has remained with the petitioner.

As mentioned above, indisputably the petitioner has been in possession of the subject land for more than seven decades. Therefore, I am inclined to suspend the impugned order dated 15.3.2011 passed in O.A.No.2168 of 2010.

In the circumstances, there shall be interim suspension, as prayed for.



//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Endowments Department, Govt of AP., Secretariat Buildings, Secretariat, Hyderabad.
- 2 The Assistant Commissioner, Endowments Vijayawada, Krishna District.
- 3 Sri Seetharama Swamy Temple, Degavalli village, rep. by its Manager cum Executive Officer, Nuzvidu Mandal, Krishna District.
- 4 The A.P. Endowments Tribunal, Hyderabad. ( 1 to 4 by RPAD)
- 5 One CC to Sri Godey Satish, Advocate (OPUC)
- 6 Two CCs to the GP for Endowments, High Court of A.P., Hyd. (OUT)
- 7 One spare copy.

BJLB

HIGH COURT

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NA,J

DATED 17-06-2011

ORDER

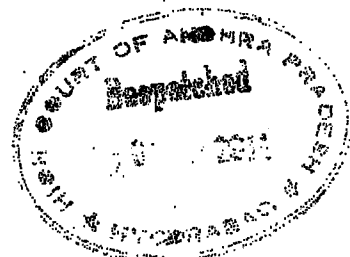
WPMP.NO. 16708 OF 2011

IN

W.P.NO. 16708 OF 2011

INTERIM SUSPENSION

*Grady 30/6/11*



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MEMORANDUM OF WRIT PETITION  
(SPECIAL ORIGINAL JURISDICTION)  
(UNDER ART. 226 OF THE CONSTITUTION OF INDIA)

IN THE HIGH COURT OF JUDICATURE :: ANDHRA  
PRADESH AT HYDERABAD

W.P. NO.

OF 2011

Between:

Keethe Anjaneya Murthy S/o. Late Pedasubbaiah  
Aged about 61 years Occ: Agriculture  
R/o. Leelanagar, Employees Colony,  
Nuzividu Mandal, Krishna Dist.

..Petitioner.

AND

1. The Government of Andhra Pradesh  
Rep. by its Principal Secretary  
Endowments Department,  
Secretariat Building, Secretariat, Hyderabad.

2. The Asst. Commissioner  
Endowments, Vijayawada, Krishna Dist.

3. Sri Seetharama Swamy Temple.  
Degavalli Village Rep. by its Manager  
cum Executive Officer Nuzividu Mandal,  
Krishna Dist.

4. The AP Endowments Tribunal  
Hyderabad.

..Respondents.

The address for service on the above named Petitioners is  
that of their counsel Godey Satish, Advocate, H.No.6-1-118/15,  
Abhinav Nagar Colony, Padmarao Nagar, Secunderabad.

For the reasons stated in the accompanying affidavit, it is  
hereby prayed that this Hon'ble Court may be pleased to issue  
an appropriate Writ, order or direction more particularly one in  
the nature of Writ of Certiorari calling for the records pertaining  
to and in connection with the order dated 15-03-2001 in OA  
No.2168 of 2010 on the file of the AP Endowments Tribunal,  
and quash the same and to pass such other order or orders as  
this Hon'ble court may deem fit and proper in the circumstance  
of the case.

HYDERABAD  
DATE: 15-06-2011

G. S. Satish  
Counsel for the Petitioner

**THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT  
HYDERABAD**

**W.P.No.**

**of 2011**

**Between:-**

**Keethe Anjaneya Murthy S/o. Late Pedasubbaiah,  
aged about 61 years, Occ; Agriculture,  
R/o. Leelanagar, Employees Colony, Nuzividu,  
Krishna District.**

**And**

- 1. The Government of Andhra Pradesh  
rep. by its Principal Secretary,  
Endowments Department,  
Secretariat Building, Secretariat,  
Hyderabad.**
- 2. The Assist. Commissioner,  
Endowments,  
Vijayawada, Krishna District.**
- 3. Sri Seetharama Swamy Temple,  
Degavalli Village,  
rep. by its Manager cum Executive officer,  
Nuzividu Mandal, Krishna District.**
- 4. The A.P. Endowments Tribunal,  
Hyderabad.**

**... Respondents.**

**AFFIDAVIT FILED BY THE PETITIONER.**

**I, Keethe Anjaneya Murthy S/o. Late Pedasubbaiah aged about 61  
years Occ; Agriculture R/o. Leelanagar, Employees Colony, Nuzividu  
Mandal, Krishna District, now having temporarily come down to  
Hyderabad, do hereby solemnly and sincerely affirm and state as follows:**

**1<sup>st</sup> Pg. Correc.**

**ATTESTOR**

**DEPONENT**

- 1) I am the petitioner herein and as such I am well acquainted with the facts of the case.
- 2) I am filing the present writ petition aggrieved with the order dated 15.3.2011 passed in O.A. No.2168.2010 on the file of the 4<sup>th</sup> respondent as the same is arbitrary, illegal, in violation of Article 300-A of Constitution of India and in violation of well settled principles of natural Justice.
- 3) I submit that I and other family members become the absolute owners and possessors of the land admeasuring Ac.16.56 cents of dry land (Mango Thope) in Survey No 188 situated at Mettugudem Degavalli Village, Krishna District having succeeded the same from our ancestors. In fact the said property was inherited by my father Sri Late Pedda Subbaiah and his brothers and they were in peaceful possession and enjoyment of the same during their lifetime. In fact their predecessors have been in possession and enjoyment of their said property time immemorial. It is relevant to submit that the family members or our predecessors have been paying the cist to the Government from time to time and our rights and ownership over the said property has been recognized by one and all including the revenue authorities.

- 4) While so in the year 1944 a law and order problem arose when one of the trustees of the 3<sup>rd</sup> respondent temple attempt to interfere with the possession and enjoyment of my father Sri Pedda Venkatasubbaiah in respect of Survey No.188 Pata No.504 admeasuring Ac.17.17 cents, my father initiated legal proceedings under Section 145 Cr.P.C against Yelamanchali Venkateswara Rao and seven others in MC No.42/1944 on the file of the Hon'ble First Class Magistrate. The Honourable First Class Magistrate after examining the entire material and after hearing both the parties was pleased to pass the order dated 15.3.1945. The operative portion of the order is as follows:

"The Respondents plea as false. Exhibits II, II-A and II-B lease deeds appear to be packed-up documents. They were all written by the Karnam (RW5) whose demeanor.... did not impress me favourably. He lives in a room of the temple of which R1 is the "Dhama Kartha". I find no grounds to disbelieve the evidence of PW1, a disinterested witness so far the parties in the village are concerned. The feelings between PW2 and his uncles son Viz., R2 to R6 have been strained and the latter are trying to dispossess PW2 of the land in his possession. Tammareddi Surayya and Bekkam Ramayya, the alleged lessees of that land in fasli 1353 were not examined by the respondents Tummuri Muthareddi, who attested Exhibit II-B leased-added was not examined to prove its bonafides. I find that PW2 has been in possession of the dry inam

3<sup>rd</sup> Pg. Correc.

ATTESTOR

DEPONENT



land measuring Ac8-58 and accordingly direct the respondents through a separate order not to interfere with the rights of PW2 in the land".

- 5) While so, the Deputy Commissioner initiated suo motto proceedings under Section 58 (1) of Madras Hindu Religious and Charitable Institutions Act 19 of 1961 basing upon the report dated 23.1.1960 of the Assistant Commissioner of Hindu Religious & Charitable Institutions, Marulipatnam calling upon the trustees and person interested to show cause as to why a scheme should not be framed for the proper management of the temple and its endowments and 8 reasons were given for initiating the proceedings. One of the reasons is that the trustee has not taken any action against K. Subbaiah (who is my father) for recovering Ac.17.29 cents of land in D. No.396 which is in his unauthorised possession. I submit that my father K Subbaiah was arrayed as 2<sup>nd</sup> respondent in the said proceedings though specically contended by my father, the 2<sup>nd</sup> respondent herein, that the land in D.No.396 admeasuring Ac.17.29 cents is not the temple property and that it is not the temple land and the temple is not entitle to the beneficiary interest in the land etc. Initially after hearing all the parties, the

Deputy Commissioner passed the order dated 24.10.1962 in O.A. No.329/60. I submit that after considering the respective contents of both the parties and after examining the documents, the authority refused to include the said item No.3 as mentioned in the scheme which is the subject property as the same is in dispute. It was further observed by the Deputy Commissioner that there are other methods open to the temple trustees to recover the possession of the said land by initiate required proceedings under Section 87 of the Act after calling all the materials in support of the case or in the alternative the trustee can file a regular suit against the claimants for recovery of the said land and. Till date the trust of the 3<sup>rd</sup> respondent had not initiated any proceedings under section 87 of the Act and therefore it has become final and our property is purely a private property and after my father's demise myself and my family members have been in peaceful possession and enjoyment.

- 6) Thereafter the 3<sup>rd</sup> respondent temple initiated proceedings before the Special Officer under the Tenancy Act (Tahsildar), Nuzvidu in ATP No.1/1971 under section 13 of Andhrapradesh Tenancy Act, 1956 against my father K. Pedda Subbaiah contending that my father taken the land for lease from the trustees of the temple on the condition of paying half the share of produce to the temple in or about the year 1963 and that he continued to hold over the tenancy as a tenant holding over and that he never cared to pay the due

share of maktha to the temple and thereby committed default of paying the rent and that the respondent failed to pay the rent and delivered the land to the petitioner and sought for eviction of my father from the said land. I submit that my father filed a detailed counter denying all the allegations and contending that there is no relationship of landlord and tenant between himself and the petitioner and that specifically contending that the suit property does not belong to the temple and his ancestors are continuing the title. The Hon'ble Tenancy Tribunal after examining the oral and documentary evidences and was pleased to dismiss the said ATP holding that the petitioner failed to establish the title over the land and as such the question of tenancy does not arise. I submit that the order of the Tenancy Tribunal passed in ATP 1/1971 become final. I submit that my father and other persons who are in joint possession and enjoyment of the said property till the date of their death. I submit that after the death of my father we have succeeded to the said property.

- 7) While so the 3<sup>rd</sup> respondent again initiated proceedings in O.A. No.178/2005 on the file of the Commissioner Kakinada, which was subsequently transferred on the file of the 4<sup>th</sup> respondent after constitution of the Tribunal and the said O.A. has been renumbered as O.A. No.2168/2010, seeking our eviction from the said land under section 83 of the Hindu Religious & Charitable Institution Act treating us as encroachers.

- 8) I submit that we have filed a detailed counter in the said O.A. specifically denying the title of the temple over the subject land and placing on record the various proceedings of different authorities categorically holding that the temple failed to establish its title over the property and specifically contended that findings in the earlier proceedings between the same parties and that we have been enjoying our ownership over the extent of land by paying taxes and also pattadar pass books and title deeds issued by the revenue authorities were also placed before the tribunal to see that our ownership and possession are recognized by all including the revenue authorities. I submit that the Honourable Tribunal, the 4<sup>th</sup> respondent herein, without considering the various documents marked on behalf of the respondents which clearly show that the petitioner herein has been disputing the title of the temple since 1944 and they have no possession and enjoyment of the property since long time and the temple having failed in the earlier proceedings to establish its title cannot treat the respondents in O.A. as encroachers, allowed the application filed on behalf of the 3<sup>rd</sup> respondent temple and ordered for eviction from the subject land. I submit that the order of the 4<sup>th</sup> respondent treating us as encroachers without considering the fact of the earlier proceedings and it was categorically held that the temple failed to establish its title, is arbitrary, illegal, without jurisdiction for the following grounds.

7<sup>th</sup> Re. Correc.

ATTESTOR

DEPONENT

WBS  
2/1/2011

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**GROUND**

- a) The order of the 4<sup>th</sup> respondent tribunal is ex facie illegal, erroneous, contrary to the facts available on record.
- b) The 4<sup>th</sup> respondent Tribunal failed to consider the earlier proceedings between the same parties in which it was categorically held that the 3<sup>rd</sup> respondent temple failed to establish its title of the subject property and having not initiated any proceedings and observation of the Tenancy Tribunal, it is not open to the respondent temple to contend that I and my family members are encroachers over the subject property. As such the findings in O.A. No.2168/2010 is not maintainable.
- c) The Hon'ble 4<sup>th</sup> respondent Tribunal failed to consider that it is not open to 3<sup>rd</sup> respondent temple to say that the title over the land having suffered in the earlier judgement. In ATP 1/1971 on the file of the Tenancy Tribunal and as the temple failed to initiate any independent proceedings to establish its title <sup>over</sup> the subject land and the tribunal has no jurisdiction to res judicata and adjudicate the same basing upon the same set of documents.
- d) The 4<sup>th</sup> respondent Tribunal trying to make out a new case getting some extract in the earlier proceedings stating that the respondents failed to establish their title over the property and treating them as encroachers instead of asking the petitioner to prove its title over the subject property. The entire approach of the 4<sup>th</sup> respondent Tribunal in the matter is erroneous, contrary to the well settled principles of natural justice.

- e) The 4<sup>th</sup> respondent Tribunal erred in relying upon the documents marked on behalf of the petitioner to come to a conclusion that the respondents are encroachers over the subject property without considering that the same set of documents are considered by various adjudicatory authorities on the earlier occasion and gave a categorical finding that the said documents cannot be treated as conclusive proof in favour of the temple to state that it has title over the subject property.
- f) The 4<sup>th</sup> respondent tribunal ought to have seen that the 3<sup>rd</sup> respondent temple having made specific plea in its contention and having failed to establish its title and relationship of landlord and tenant, the earlier proceedings in ATP 1 / 1971 on the file of the Tenancy Tribunal, the 4<sup>th</sup> respondent tribunal cannot be allowed to take into consideration that we are encroachers and it is not open to the respondent temple to contend that I am an encroacher that too without establishing its title over the subject land as my predecessors have been disputing the title of the temple since long time from 1944 and 3<sup>rd</sup> respondent temple failed to establish its title in the earlier proceedings.
- g) The 4<sup>th</sup> respondent Tribunal gravely erred in ordering our eviction by treating us as encroachers in absence of establishing the title of the 3<sup>rd</sup> respondent temple in the properly constituted proceedings and failed to see that the proceeding

initiated under section 83 for evicting us treating us as encroachers itself is not maintainable.

- h) In any view of the matter the order of the 4<sup>th</sup> respondent Tribunal in ordering for eviction without proper consideration of evidences available on record and without considering the various orders issued by various authorities in various stages, are arbitrary, illegal and unsustainable.
- 9) I submit that after the arguments in the above O.A. the judgement was delivered on 15<sup>th</sup> March 2007 and it was stated in the operative portion of the impugned order that the respondents are directed to evict and hand over the schedule property within one month by written intimation or else to vacate them and anybody claiming through them or under them by the First petitioner (Assistant Commisisoner) with police aid and deliver the possession of the same to the second Petitioner within one month from the date of the order. I submit that we have no knowledge about passing of order by the 4<sup>th</sup> respondent Tribunal and copy of the said tribunal was not communicated to any one of the respondents. I submit that straightaway the respondents came to the site on 21.5.2011 without any prior intimation and tried to dispossess us unauthorisedly even without communicating the impugned order. I submit that I and other persons resisted the highhanded action of dispassion forcible even before communication of the said order. I submit that we enquired with the Endowments Authorities and they have informed us that the respondents are communicated the order

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to the second respondent in the O.A. who already died. I submit that as stated above the impugned order was not communicated to us and I have applied for certificate copy on 1.6.2011. On my further enquiry it reveals that the respondent issued public notice calling for disposing of the leasehold rights over the subject land on 21.5.2011. I submit that I have been in physical possession and enjoyment of the property as on today. Unless this Honourable Court suspend the operation of the impugned proceedings, the respondents will cause inconvenience to us by one ground or the other.

- 10) I have not filed any other writ petition or suit in any other courts in the subject matter of the present writ petition.
- 11) I have no other effective alternative remedy, except to invoke the extraordinary jurisdiction of this Hon'ble Court under Art. 226 of the Constitution of India.
- 12) It is therefore prayed that this Honourable Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of **WRIT of CERTIORARI** calling for the records pertaining to and in connection with the order dated 15.3.2001 in O.A.No.2168/2010 on the file of the A.P. Endowments Tribunal and quash the same and to pass such other order or orders as this Hon'ble court deem fit and proper in the circumstances of the case.

11<sup>th</sup> Pg. Correc.

ATTESTOR

DEPONENT



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- 13) It is further prayed that this Honourable Court may be pleased to stay all further Proceedings by suspending the order dated 15.3.2001 in O.A.No.2168/2010 on the file of the A.P. Endowments Tribunal, pending disposal of the writ petition and to pass such other order or orders as this Hon'ble court deem fit and proper in the circumstances of the case.

DEPONENT

Sworn and signed before me on this the  
the 15<sup>th</sup> day of June, 2011 at Hyderabad.

ADVOCATE/HYDERABAD.

**VERIFICATION**

I, Keethe Anjaneya Murthy S/o. Late Pedasubbaiah aged about 61 years Occ; Agriculture R/o. Leelanagar, Employees Colony, Nuzvidu Mandal, Krishna District, the petitioner herein, acquainted with the facts and I do hereby verify and state that the contents in paras 1 to 9 of the affidavit are true to my personal knowledge, based on information, based on records and the paras 10 to 13 on legal advice believed to be correct. Hence, verified on this the 15<sup>th</sup> day of June, 2011 at Hyderabad.

COUNSEL FOR THE PETITIONER

PETITIONER

INTERLOCUTORY APPLICATION  
(UNDER SEC. 151 OF THE C.P.C.)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

I.A. NO. OF 2025

IN

W.P. NO. OF 2025

Between:

Keethe Anjeneya Murthy S/o. Late Pedasubbaiah,  
Agriculturist, Aged about 74 years,  
R/o. Leela Nagar, Employees Colony,  
Nuzivudu Mandal, Krishna District.

..Petitioner

AND

1. The Government of Andhra Pradesh  
Rep. by its Principal Secretary Endowments Department,  
Secretariat Building, Secretariat, Hyderabad.
2. The Asst. Commissioner  
Endowments, Vijayawada, Krishna Dist.
3. Sri Seetharama Swamy Temple, Degavalli Village  
Rep. by its Manager cum Executive Officer Nuzividu  
Mandal, Krishna Dist.
4. The AP Endowments Tribunal  
Hyderabad Presently at Pedakakani, Guntur District.

..Respondents

For the reasons stated in the affidavit filed in support of the above Writ Petition it is hereby prayed that this Hon'ble Court may be pleased to stay all further proceedings pursuant to the notification dated 26.03.2025 pending disposal of the present Writ Petition in the interest of justice pending disposal of the above writ petition and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.

DATE: 01.04.2025  
PLACE: AMARAVATI

  
Counsel for the Petitioner

7

GP

Krishna

District

IN THE HIGH COURT OF ANDHRA  
PRADESH AT AMARAVATI

I.A.NO.

OF 2025

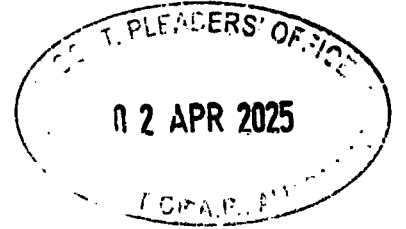
IN

W.P. NO.

OF 2025

Enatt

**STAY PETITION**



Filed by:

8096220809

M/s K.Ramesh Babu (16760),

M.Chalapati Rao (13197)

Advocates

Counsel for Petitioner

