

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH  
AT HYDERABAD

TUESDAY, THE THIRTIETH DAY OF MAY  
TWO THOUSAND AND SIX

May 13, 2006

:PRESENT:

THE HON'BLE SRI JUSTICE : L. NARASIMHA REDDY  
AND  
THE HON'BLE SRI JUSTICE : D. APPA RAO

W.P.M.P NO: 13204 of 2006 IN W.P.NO: 10547 of 2006

Between:

Andhra Pradesh Archaka Samakhya, Having its Head Office at D.No. 6-9-23, Marwadi Gudi Street,  
Tenali, rep. by its Vice President, D. Kodanda Rama Sharma s/o. Lakshmanacharyulu R/o. Govada,  
Amarthaluru Mandaf, Guntur District.

..... Petitioner

(Petitioner in WP.No : 10547 of 2006  
on the file of High Court)

AND

- 1 The Govt. of A.P. Rep. by its Secretary, Revenue (Endts.) Department,  
Secretariat, Saifabad, Hyderabad.
- 2 The Commissioner of Endowments Tilak Road, Boggulakunta, Hyderabad.
- 3 The Dist. Collector, Kakinada, E.G. District.
- 4 The Dist. Collector Eiuru, W.G. District.

..... Respondents

(Respondents in -do-)

Counsel for the Petitioner : Sri. K.R. Prabhakar  
Counsel for the Respondent No 1&2 : GP for Endowments  
Counsel for the Respondent No. 3&4 : GP for Revenue

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support thereof the High Court may be pleased to direct the Respondents not to take any steps to acquire the lands belong to Temples and Maths (Hindu Religious Institutions) under the provisions of the Land Acquisition Act, 1894 in the name of providing house sites to weaker sections under "Indiramma" scheme pending WP.NO.10547 of 2006 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

This writ petition reveals a startling state of affairs. The lands endowed to the religious institutions, which were safe and secure during the alien rule for centuries together, became vulnerable not only to private encroachments but even unlawful occupation by the Government. It was in this context that a Division Bench of this Court passed an order on 07-06-2005 in WPMP No. 15055 of 2005 in W.P. No. 11812 of 2005, directing that no sale of endowment land shall be effected, without the permission of this court, till further orders. It was also directed that no compromise shall be effected under section 89 of the A.P. Charitable Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'), till

further orders. The said orders were modified to the effect that if any sale becomes imminent, it shall be done only through public auction. Despite such specific and unequivocal orders, the taking over of possession of the lands belonging to the Temples by the Government continued.

Recently, correspondence ensued between District Collectors of East Godavari and West Godavari District (Respondents 3&4) on the one hand, and to the Commissioner of Endowments on the other hand, in the matter of acquisition of endowment lands, for providing house sites. Representations were also made by the petitioners herein to the Commissioner of Endowments, second respondent herein. The second respondent, in turn, addressed a letter, dated 27-12-2005, to the District Collector, West Godavari District, stating that in view of the orders passed by this Court in WPMP No. 15055 of 2005 in WP No. 11812 of 2005, any acquisition of endowment lands would be in violation of the said orders. Further, the second respondent addressed letter to the Secretary to Government, Revenue Department ie., the first respondent herein, on 20-05-2006, narrating the various facts, and ultimately impressing upon him to exempt the lands belonging to the Temples from acquisition. Despite the same, respondents 3 and 4 have proceeded to issue notifications, under section 4(1) of the Land Acquisition Act, proposing to acquire the lands belonging to various Temples, that too, by dispensing with the enquiry under section 5(a) of that Act.

The learned Senior Counsel submits that even for the lands that were acquired several years ago, the compensation has not been paid to the Temples, and that the present acquisitions of the Temple lands in the two Districts would be left without any income.

We are of the Prima facie view that the various notifications issued by respondents 3 and 4, proposing to acquire the lands belonging to the Temples, amounts to violation of the orders passed by this court in WPMP No. 15055 of 2005 in WP No. 11812 of 2005.

Hence, the Registry is directed to issue notices to respondents 3 and 4, returnable in four weeks, as to why the proceedings under the Contempt of Court Act shall not be initiated against them, for violating the orders in WPMP No. 15055/05 in WP No. 11812/05, dated 17-06-05 as modified thereafter.

We direct that pending further orders, there shall be stay of all further proceedings, in relation to the acquisition of lands belonging to the Temples all over the State, at whatever stage they are and any deviation, in this regard, would per se be treated as contempt of Court.

// TRUE COPY //

ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To

- 1 The Secretary, Revenue (Endts.) Department, Govt. of A.P.  
Secretariat, Saifabad, Hyderabad.
- 2 The Commissioner of Endowments Tilak Road, Boggulakunta, Hyderabad.
- 3 The Dist. Collector, Kakinada, E.G. District.
- 4 The Dist. Collector Eluru, W.G. District (1 to 4 by RPAD)
- 5 2ccs to the GP for Endowments High Court of AP Hyderabad (OUT)