

THE HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.33020 of 2017

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Endowments representing respondents 1 and 2 and also learned Standing counsel Smt K.Lalitha offering to file vakalath for 3rd respondent and perused the prayer in the writ petition with the supporting affidavit and other material on record.

According to the petitioners, from the writ affidavit averments and particularly from the para 5 of the writ petition, petitioners and their ancestors are in continuous possession by occupation of the land from 1956. As per Section 143 of A.P.Charitable and Hindu Religious Institutions and Endowments Act, 30 of 1987, the persons who claim the adverse possession, for any Endowments property, even other than Inam land, must establish that they perfected title by adverse possession by or before 30.09.1951.

Even from the own showing, the question of claiming adverse possession over the property by the petitioners in claiming through their grandfather from so called possession from 1956 does not arise. Leave about the factum, if it is the Inam land as per the Madras Act amended by Act 11 of 1934, to claim adverse possession for any Inam land belonging to Endowments, the perfecting of title by adverse possession must be 60 years prior to that. When such is the case, but for to say there is no prior notice and opportunity to explain for the threatened eviction, there is nothing to entertain the writ petition much less to keep it pending.

Having regard to the above, the writ petition is disposed of directing the respondents, if at all to evict the petitioners, to follow the due process of law. No costs.

As a sequel, miscellaneous petitions, if any, pending, shall stand closed.

Dr. B.SIVA SANKARA RAO J,

27.09.2017

Note:

CC by tomorrow

(B/o) dv/jsu



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