

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.1851 of 2022

ORDER:

The learned Government Pleader for Endowments has placed instructions received by her before this Court.

2. The case of the petitioners is that they are in possession of Ac.4.68 cent of land in Sy.No.82 of Valluru Village, Kapileswarapuram Mandal, East Godavari District which had been allotted to them, under a compromise order dated 30.01.1972, as their remuneration for performing Archakatvam service in the 4th respondent-temple. The petitioners claim that while they had been carrying on agricultural activities in the said land, the owner of the neighbouring lands have converted all the agricultural lands into salt water fish tanks and consequently, agricultural operations were not possible in the said land. Due to this situation, the petitioners are said to have approached the Commissioner, Endowments for permission to convert the land into fish tanks and a file was being processed favourably. The petitioners anticipating approval of the Commissioner, Endowments are said to have prepared the land for undertaking Pisciculture in the land. However, no water has been filled into these lands nor any pisciculture activities are being carried on. At that stage, the petitioners came to know that proceedings Rc.No.L2/COE-18046(32)/53/2021, dated 09.01.2022 had been issued by the 2nd respondent-Commissioner of Endowments, directing the Deputy Commissioner, Kakinada to take steps for taking over the lands

allotted to the Archakas and fixing up minimum wage of Rs.13,000/- per month to the Archakas in lieu of the said land. The Executive Officer of the said temple was also directed to file a criminal case against the person who dug the fish tank without permission of the competent authority apart from initiating disciplinary proceedings against the Archakas, who violated the compromise orders.

3. The learned Government Pleader for Endowment and Sri K.Madhava Reddy, learned Standing Counsel appearing for the temple would submit that the action of the petitioners is wholly unauthorised and in violation of the compromise order under which the petitioners had been allotted to the aforesaid land. It is submitted that under the said compromise order, the petitioners were entitled to continue in possession of the said land subject to the condition of carrying on only agricultural operations in the land and that the said agricultural operations were to be conducted by the petitioners themselves. They would submit that in these circumstances, any deviation from the aforesaid condition would entitle the temple and Endowments Department to take back the said land.

4. The question of whether there has been any violation of terms of the compromise order and whether such violation is of a nature where the land already allotted to the petitioners should be taken back is a matter which requires an enquiry.

5. In these circumstances, it would be appropriate to dispose of this writ petition with a direction to the respondents to keep the impugned order dated 09.01.2022 in Rc.No.L2/COE-18046(32)/53/2021 in abeyance till a proper enquiry is conducted after due opportunity and notice being given to the petitioners to set-forth their case.

6. Accordingly, the Writ Petition is disposed. There shall be no order as to cost.

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

31.01.2022
BSM

R. RAGHUNANDAN RAO, J.

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