

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE TWENTY FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT APPEAL NO: 1425 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 30/10/2024, Passed in W.P. No. 30423 of 2024 on the file of the High Court.

Between:

Ganna Saraswathi, W/o Sathyanarayana, Aged about 68 years, Occ. Agriculture, R/o Rampur Village, Chilukur Mandal, Suryapet District.

...APPELLANT

AND

1. The State of Telangana, Rep. by its Principal Secretary, Endowments Department, Secretariat, Secretariat Buildings, Hyderabad.
2. The Commissioner, Endowments Department, Telangana State at Hyderabad.
3. The District Collector, Suryapet, Suryapet District.
4. The Tahsildar, Munagala Mandal, Suryapet District.
5. The Assistant Commissioner, Endowments Department, Suryapet District, Telangana State.
6. The Executive Officer, Sri Kodandarama Swami Temple Akupamula Narsimhaporam Village, Munagala Mandal, Suryapet District.

...RESPONDENTS

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No.5 and 6 not to interfere into the peaceful possession and enjoyment of the agriculture land of the petitioner in respect of the agriculture land to an extent of Ac.1.16 gts in Sy.No.633/2 and Ac.1.11 1/2 gts in Sy.No.633/3, totally the land to an extent of Ac.2.27 1/2 gts which is situated Akupamula Village, Munagala Mandal, Suryapet District, not to dispossess the petitioner from her

land, to issue the notice the petitioner, and to follow the due process of law pending disposal of the writ appeal

Counsel for the Appellant: SRI. RAPOLU BHASKAR

Counsel for the Respondent Nos.1,2&5: SRI BHUKYA MANGILAL NAIK GP FOR ENDOWMENT

Counsel for the Respondent Nos.3&4: SRI MURALIDHAR REDDY KATRAM GP FOR REVENUE

Counsel for the Respondent No.6: SRI J.R MANOHAR SC FOR ENDOWMENT

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1425 of 2024

JUDGMENT: *(Per the Hon'ble Sri Justice J. Sreenivas Rao)*

This intra court appeal has been filed by the appellant invoking the provisions of Clause 15 of the Letters Patent aggrieved by the order dated 30.10.2024 passed by the learned Single Judge in W.P.No.30423 of 2024, by which the writ petition filed by the appellant was disposed of.

2. Heard Mr.Rapolu Bhaskar, learned counsel for the appellant, Mr.Bhukya Mangilal Naik, learned Government Pleader for Endowment Department appearing for respondent Nos.1, 2 and 5, Mr.Muralidhar Reddy Katram, learned Government Pleader for Revenue appearing for respondent Nos.3 and 4, and Mr. J.R. Manohar Rao, learned counsel for respondent No.6 Temple, on the question of admission.

3. Facts giving rise to filing of this writ appeal briefly stated are that the appellant is claiming that she is the owner and possessor of the agricultural land to an extent of Ac.1.16 gts. in

Sy.No.633/2 and Ac.1.11 ½ gts. in Sy.No.633/3, totally Ac.2.27 ½ gts., situated at Akupamula Revenue, Mungagal Mandal, Suryapet District, having purchased the same through registered sale deeds dated 15.07.1978 and 17.01.1980. Respondent Nos.5 and 6 are interfering with the subject property of the appellant without issuing any notice and without following due process of law. Questioning the same, the appellant filed W.P.No.30423 of 2024. Learned Single Judge disposed of the said writ petition on the ground that the appellant raised several disputed questions of fact and the same cannot be adjudicated in the writ petition and granted liberty to the appellant to avail the remedy of approaching the Endowments Tribunal constituted under the Endowments Act for adjudicating her right and entitlement over the subject property. Aggrieved by the same, the appellant filed the present writ appeal.

4. Learned counsel for the appellant submitted that respondent Nos.5 and 6 without issuing notice either under the provisions of the Telangana Land Encroachment Act, 1905 or under the Telangana Charitable and Hindu Religious

Institutions and Endowments Act, 1987, interfering with the subject property and the learned Single Judge without considering the said fact disposed of the writ petition. He further submitted that the name of respondent No.6 Temple was not included in the revenue records and the appellant is in possession of the subject property. In these circumstances, learned Single Judge ought to have directed respondent Nos.5 and 6 to follow the due procedure as contemplated under law.

5. Per contra, learned counsel for respondent No.6 Temple submitted that the subject property stands in the name of respondent No.6 and the appellant is not having any right, interest over the subject property.

6. This Court considered the submissions made by the respective counsel and perused the material available on record. Admittedly, the appellant is claiming rights over the subject property basing upon the registered sale deeds. However, respondent No.6 is disputing the claim of the appellant.

7. It is pertinent to mention here that the appellant as well as respondent No.6 is claiming rights over the subject property. As there are serious disputes with regard to right, title and possession of the subject property, learned Single Judge rightly dismissed the writ petition and granted liberty to the appellant to approach the Endowments Tribunal for adjudicating her right and entitlement over the subject property.

8. It is equally well settled legal principle that the disputed questions of fact cannot be decided in a summary proceeding under Article 226 of the Constitution of India as per the judgments of the Apex Court in **Shubhas Jain v. Rajeshwari Shivam**¹ and **Radha Krishan Industries v. State of Himachal Pradesh**².

9. For the foregoing reasons, this Court does not find any ground to differ with the view taken by the learned Single Judge.

10. Accordingly, the writ appeal is dismissed. No costs.

1 2021 SCC OnLine SC 562
2 (2021) 6 SCC 771

Miscellaneous applications pending, if any, shall stand closed.

SD/- T. SRINIVAS
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. RAPOLU BHASKAR Advocate [OPUC]
2. One CC to SRI J.R MANOHAR SC FOR ENDOWMENT [OPUC]
3. Two CCs to GP FOR ENDOWMENTS ,High Court for the State of Telangana. [OUT]
4. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies

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GJP

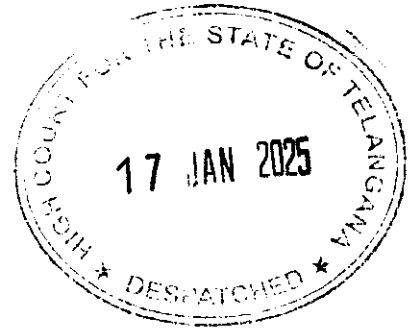
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HIGH COURT

DATED:24/12/2024

JUDGMENT

WA.No.1425 of 2024



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

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7/1/25