

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No. 1106 OF 2015

17-12-2015

Between:

Kakarla Rajeshwar Rao

... Appellant

And

The Government of Andhra Pradesh, rep., by its Principal Secretary,
Endowments Department, Secretariat Buildings, Hyderabad and
others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

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WRIT APPEAL No. 1106 OF 2015

PC: (per the Hon'ble Sri Justice S.V. Bhatt)

Heard learned counsel for the appellant and learned Government Pleader for Endowments for the respondents.

The appeal is directed against the order dated 07-12-2015 in Writ Petition No.40587 of 2012. The unsuccessful petitioner is the appellant herein. The appellant prayed for the following relief:

“.....writ of Mandamus, declaring the action of the respondents in dispossessing the petitioner from part of his premises ground floor in D.No.4/742, Near Petrol Bunk, Peddakakani village & Mandal, Guntur District and seizing the same on 23.08.2012 and proceeding to dispossess the petitioner from residential house of 1st floor as arbitrary, illegal, unjust and unconstitutional and in violation of principles of natural justice and consequently direct the respondents to open the seal of 1st floor in D.No.4/742, Near petrol Bunk, Peddakakani Village & Mandal, Guntur District and put the petitioner into possession.”

The admitted position of the case is that the entry of appellant into subject premises is not in accordance with the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') and the learned counsel appearing for the appellant fairly concedes that the appellant does not have a right under a contract or a right recognised by the authorities under the Act for enforcement of such right under Article 226 of the Constitution of

India. The factual objections raised by the appellant have been independently considered and rejected by the learned single Judge. The appellant failed to point out any infirmity against the order under appeal. With the assistance of learned counsel, we have perused the order under appeal and we are satisfied that no exception can be taken.

The appeal fails and is accordingly dismissed.

Miscellaneous petitions, if any, also stand disposed of. No order as to costs.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

17-12-2015
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