

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.35702 of 2015

Dated 03.11.2015

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Between:

M.Bhujanga Reddy

... Petitioner

and

-

The Asst. Commissioner,

Endowments Dept.,

Hyderabad and another

...Respondents

Counsel for the petitioner: Mr.S.S.Parvez

Counsel for respondent No.1: GP for Endowments (TS)

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to restrain the respondents from prosecuting OA.No.205 of 2014 before the

Andhra Pradesh State Endowments Tribunal at Hyderabad (for short 'the Tribunal') and also from interfering with the construction work of the petitioner over the land bearing H.No.4-8-149/3 of Attapur, Rajendranagar Mandal, Ranga Reddy District.

The petitioner averred that he is the absolute owner of the above-mentioned premises and that the respondents have been making a false claim that the same is an endowment land. The petitioner further averred that the respondents have filed an application under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') before the Tribunal and that the Tribunal has issued a notice to him to appear before it on 24-03-2015. It is further pleaded by the petitioner that he has applied for grant of building permission to Rajendranagar Municipality and that as he is aggrieved by the notice issued by the said Municipality, he has filed OS.No.58 of 2014 on the file of the Court of the learned Additional Junior Civil Judge, Rajendranagar.

In substance, the first part of the prayer in the Writ Petition is in the nature of prohibition against the respondents from pursuing the OA filed by them for evicting the petitioner. In my opinion, this prayer is wholly misconceived as no Mandamus can be issued against any person restraining him from availing statutory remedies. The question whether the property claimed by the petitioner is his private land or an endowment land is required to be adjudicated by the Tribunal under Section 83 of the Act. Therefore, this part of the prayer in the Writ Petition cannot be granted.

As regards the second part of the prayer *viz.*, to restrain the respondents from interfering with the construction work of the petitioner, on his own showing, even the Municipality has

issued notice to him, on 05-05-2014, to stop the construction, evidently, for the reason that he has not obtained the building permission. A person, who has started the construction work even before obtaining building permission, is not entitled to invoke the jurisdiction of this Court.

For the above mentioned reasons, the Writ Petition is devoid of any merit and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.45872 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 3rd November, 2015

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