

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

W.P.No.20426 of 2015

Between:

Gorle Appala Bharath Kumar

... Petitioner/Appellant (s)

And

The Government of Andhra Pradesh and

4 others

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 15.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.20426 OF 2015

ORDER

This writ petition is filed challenging the order dated 04.01.2010 in O.A.No.7 of 2002 dated 04.01.2010 by the Deputy Commissioner of Endowments, Visakhapatnam, i.e., the 3rd respondent wherein the 3rd respondent ordered for eviction.

The case of the petitioner is that originally Sri Potnuru Jagannadham Patnaik was given patta by the then Raja Sri Poosapati Vijayarama Gajapathi Raju of Vizianagaram Estate in respect of Ac.11-92 cents in Sy.Nos.187/3B, 187/3D and 193/2B3, situated at Vepagunta Village, Simhachalam, Visakhapatnam District. Since the date of grant of patta, the said Potnuru Jagannadham Patnaik has been in absolute possession and enjoyment of the said lands. Thereafter, the said Potnuru Jagannadham Patnaik sold the above said land admeasuring 11.92 cents in favour of petitioner's grandfather i.e., Gorle Appa Rao under a registered sale deed dated 05.09.1964. While so, though the petitioner's property does not form part of schedule property in O.A.No.7 of 2002, filed by the 2nd respondent, under the guise of the said order, the 2nd respondent is trying to evict the petitioner. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by the 2nd respondent stating that the alleged property as claimed in this writ petition is not part and parcel of the property covered by the orders of the 3rd respondent dated 04.01.2010 and hence the writ petition is not maintainable and is liable to be dismissed. It is also stated that the petitioner cannot question the orders passed in O.A.No.7/2002 dated 04.01.2010 by the Deputy Commissioner, Endowments, Visakhapatnam, since the petitioner is not a party to the said order and that he is an encroacher of the adjacent land to the schedule property belonging to the 2nd respondent.

Since it is stated that the alleged property claimed in this writ petition is not part and parcel of schedule property in O.A.No.7/2002, filed by the 2nd respondent, petitioner cannot be evicted by the

respondents without following due process of law envisaged under A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 and Rules. However, as and when any proceedings are initiated against the petitioner, petitioner shall be put on notice.

With the above direction, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 15.07.2015

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