

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.11715 of 2015

Date: 21-04-2015

Between:

A. Sampooramma and others

.. Petitioners

AND

The State of Andhra Pradesh, represented by its

Principal Secretary, Endowments Department,

Secretariat, Hyderabad and 2 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.11715 of 2015

ORDER:

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The writ petition is filed for a mandamus declaring the action of the respondents in trying to forcibly and illegally demolish residential houses of the petitioners bearing Door No.9-464/D, 9-464/C, 9-462/F, 9-462/C, 9-462/H, 9-464/A, 9-462/E, 9-464-B, 9-464/G, 9-464/F1 respectively situated at Lingeswara Nagar, Sai Nagar Gram Panchayat, Tirupathi Rural Mandal, Chittoor District as illegal and arbitrary and for a consequential direction to the respondents not to demolish the said residential houses of the petitioners.

2. The grievance of the petitioners is that all the petitioners are landless poor

persons and eking out their livelihood by doing their respective jobs like rickshaw pulling and mason work and other works. They purchased their respective properties under various sale deeds as specified in the writ affidavit, constructed houses by obtaining loans from private persons and are residing therein for the last five years by paying monthly bills regularly. It is stated that the officials of the 3rd respondent-Mutt came to their premises on 13-04-2015 and threatened to demolish their houses stating that the property in which they are residing belongs to the 3rd respondent-Mutt, for which the petitioners have objected. Thereafter, the 3rd respondent, without following due procedure contemplated under the law, is trying to demolish the properties of the petitioners. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioners, who stated that even though the petitioners are paying taxes and residing in their respective houses for the last five years, the 3rd respondent resorted to the action under Section 82 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 for eviction and without following due process of law, the 3rd respondent is unilaterally trying to demolish the properties of the petitioners.

4. On the other hand, Sri G. Seshadri, learned standing counsel for the 3rd respondent submits that as on today there is no proposal for demolition of properties of the petitioners and the writ petition is filed only by mere apprehension. He further stated that the 3rd respondent is making attempts to evict the persons, who encroached the land in the same survey number and who created third party rights thereon.

5. In view of the statement made by the learned standing counsel that no proposal is made for demolition of properties of the petitioners, the writ petition is disposed of directing the respondents 2 and 3 not to demolish the properties of the petitioners without following due process of law. However, it is open for the respondents 2 and 3 to take appropriate action in case any person encroached the vacant land of the 3rd respondent-Mutt in the same survey number. The petitioners shall not encroach upon any vacant land in the same survey number. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 21-04-2015

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