

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11877 OF 2012

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ORDER:

This writ petition is filed challenging the orders dated 03.01.2012 passed by the Endowment Tribunal in OA.No.707 of 2011.

Learned counsel for the petitioner submits that the petitioner is disputing the title of the 2nd respondent institution on the ground that the 2nd respondent has no title.

Learned Government Pleader for Endowments submits that since the petitioner is disputing the title of the respondent, the writ petition is not maintainable.

Section 84(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (*for short 'the Act'*) reads as follows;

“84.Mode of eviction on failure of removal of the encroachments as directed by the Endowments Tribunal:

2) Nothing in sub-section (1) shall prevent any person aggrieved by any order of the Endowments Tribunal under sub-section (4) of Section 83 from preferring an appeal before the High Court to establish that the Charitable or religious Institution or Endowment has no title to the land, building or space:

Provided that no appeal shall be preferred after expiry of ninety days from the date of receipt of the order under sub-section (4) of the Section 83:

Provided further that no such appeal shall be preferred by a person who is let in to the possession of land, building or space, or who is a lessee, licensee or mortgagee of Institution or Endowment.”

In view of the same, learned counsel for the petitioner sought permission to withdraw the writ petition with a liberty to avail alternative remedy as per Section 84(2) of the Act.

Hence, writ petition is dismissed as withdrawn granting liberty to the petitioner to avail alternative remedy of appeal as per law.

As a sequel thereto, Miscellaneous Petitions, if any pending, in the writ petition shall stand closed.

A.RAJASHEKER REDDY, J

09.10.2015
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