

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.No.13552 of 2015

ORDER

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

2. This writ petition is filed challenging the notice dated 29.01.2015, in O.A.No.12 of 2015 on the file of Andhra Pradesh State Endowments Tribunal at Hyderabad, issued under Section 86 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 30 of 1987 (for short 'the Act'), wherein the petitioner was directed to appear before the Tribunal on 12.02.2015.

3. Learned counsel for the petitioner submits that the impugned notice is not in consonance with Section 83 of the Act and the Tribunal ought to have issued the said notice without mentioning the particulars of encroachment by the petitioner. He also relied upon the decision of this Court in **Gulf Oil Corporation Limited, Hyderabad v. State of Andhra Pradesh**

4. Learned Government Pleader for Endowments submits that along with the impugned notice, a copy of the petition in O.A. was also annexed mentioning the allegations of encroachment by the petitioner and in any case, the impugned notice would not cause any prejudice to the petitioner.

5. As seen from the record, the petitioner has filed the impugned notice along with a copy of the petition in O.A.No.12 of 2005 on the file of Andhra Pradesh State Endowments Tribunal at Hyderabad. The averments in the said petition contain the allegations of encroachment by the petitioner. Therefore, it cannot be said that the impugned notice does not contain the particulars of

encroachment. It is also not the case of the petitioner that he has received the impugned notice without accompanied by a copy of the petition in O.A. and that there is no averment as such in the affidavit filed in support of the writ petition. As the petitioner received a copy of the petition in O.A., he is at liberty to file his objections before the Tribunal.

6. In view of the same, I do not see any ground to interfere with the impugned notice. However, the petitioner is at liberty to file his objections, if any, before the Tribunal and on such filing, the Tribunal shall consider the same in accordance with law.

7. Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAJASHEKER REDDY, J.

30th April, 2015

sj