

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.17888 of 2008

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

"To issue appropriate writ, order or direction, more particularly Writ of Mandamus, declaring the action of the first respondent herein, in not taken up the I.A.6/08 in R.P.No.10/2008, for granting stay of the impugned Order No.43, in O.A.No.923/2003, dt.05-12-2007, of the second respondent Dy. Commissioner, Endowments, Hyderabad, herein, is illegal, arbitrary, unjust, bad and without following the procedure in law, & the principles of natural justice, consequently set aside the impugned Order No.43, in O.A.No.923/2003, dt.05-12-2007, of the second respondent Dy.Commissioner, Endowments, Hyderabad, as illegal, arbitrary, without jurisdiction."

The case of the petitioner is that he is a lessee of respondent No.4-temple in an extent of 35 square yards, in which he has constructed a tin shed for doing his carpenter work and eking out his livelihood by paying rent and the lease was extended orally from time to time, and the respondents at the instance of respondent No.4 filed O.A.No.923 of 2003 against the petitioner under Section 83(1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, 'Act 30 of 1987') seeking eviction of the petitioner from the subject land. The said O.A. was allowed on 05.12.2007 directing the eviction of the petitioner. Against the same, the petitioner preferred revision in R.P.No.10 of 2008 before respondent No.1 along with stay petition in I.A.No.6 of 2008, but neither the said I.A. nor R.P. was taken up for hearing. When there is threat of eviction of the petitioner, he filed the present writ petition.

Heard both sides.

It is not disputed that the petitioner has got remedy under the Act 30 of 1987 before respondent No.1. Since the R.P. is pending before respondent No.1, I deem it appropriate to direct respondent No.1 to dispose of the main R.P. itself on merits within a period of two (02) months from the date of receipt of a copy of this order. Since already this Court, on 18.08.2008, granted interim suspension of the orders in O.A. dated 05.12.2007 and the same was modified on 16.09.2008 by extending interim orders on condition that the petitioner depositing 50% rent over and above the existing rent, the same arrangement will continue pending disposal of the R.P. before respondent No.1.

With the above directions, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in this writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

02.09.2015

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