

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9117 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 3rd respondent in not conducting enquiry under Section 82 of the Hindu Religious and Charitable Endowments Act 30/87 (for short 'the Act') though enquiry notices were issued on two occasions in Rc.No.A1/1940/2005, dated 04.08.2005 and 19.04.2011 without any reason and also the action of the 4th respondent in making attempts to dispossess the petitioners without following due process of law as illegal, arbitrary and consequently, direct the 3rd respondent to conduct enquiry under Section 82 of the Act to declare the petitioners as landless poor and also direct the 4th respondent not to dispossess them from the land in Sy.No.155/1-4 in an extent of Ac.2.42 cents situated at Pullamma Satram, Nawabpet, Nellore.

The case of the petitioners is that the 3rd respondent issued notice vide proceedings Rc.No.A1/1940/2005 dated 19.04.2011 asking them to appear before him and produce documents viz., property certificate, sworn affidavit of the individual duly notarized stating that he has no other properties in anywhere except the property which is mentioned in the property certificate and income certificate showing his income from all other sources (other than agricultural income) for determination whether he is landless poor, as per the provisions laid down under the Act. Aggrieved by the same, the present writ petition is filed stating that pursuant to the representations made by the petitioners, the 3rd respondent issued notice dated 04.08.2005 under Section 82 of the Act, they submitted all the documents but no final order was passed. Again, the impugned notice dated 19.04.2011 was issued asking the petitioners to appear on 27.04.2011 and the petitioners appeared and submitted all the documents but no order was passed. Now, the 4th respondent is highhandedly trying to evict the petitioners.

Heard the learned counsel for the petitioners, learned Government Pleader for Endowments, appearing for respondents 1 to 3 and Sri A.Srikanth Reddy, learned counsel for respondent No.4.

Since enquiry is pending before the 3rd respondent, it is for him to take a decision basing on the representations and the documents filed by the petitioners. Hence, the 3rd respondent shall consider and dispose of the same, within a period of four weeks from the date of receipt of a copy of this order. Till then, *status quo* obtaining as on today shall be maintained by both the parties.

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

A.RAJASHEKER REDDY, J

02.04.2015

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