

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

MONDAY, THE SIXTH DAY OF JULY TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.20390 of 2015

Between:

Guntur Prasad, S/o. Esuratnam @ Vdandanam,
Aged about 63 years, Occ: Agricultural Coolie,
R/o. D.No.6-38, Nattalavaripalem,
Alluru Village, Pittalavanipalem Mandal,
Guntur District & 9 others

.. Petitioners

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Endowment Department,
Secretariat, Hyderabad & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioners were tenants of land to an extent of Ac. 1.97 cents in D.No.481/1A6 of Alluru Village, Pittalavanipalem Mandal, Guntur District. Alleging that the petitioners were in unauthorized and illegal occupation, proceedings were initiated for eviction before the A.P. Endowments Tribunal, Hyderabad, in O.A.No.485 of 2012. Vide orders, dated 08.07.2013, the Endowments Tribunal directed the petitioners herein to vacate and handover the schedule property within a period of one (1) month from the date of service of the Award. Liberty was also granted to the authorities to take coercive steps to evict the petitioners if they do not vacate within the time granted. The petitioners did not appear before the Endowments Tribunal. They were set *ex parte* and the award was passed. Challenging the said order, the present writ petition is filed.

2. As pointed out by the learned Standing Counsel for the 4th respondent Temple, as per Rule 11(3) of the Tribunal Rules, 2010 (for short, 'the Rules'), if the parties are set *ex parte* or if an *ex parte* order is passed, the aggrieved party can file an application for restoration or for setting aside the order setting them *ex parte* and for setting aside the *ex parte* order. The petitioner has

not availed the said remedy and directly invoked the jurisdiction of this Court. The petitioner has not averred what compelled him to invoke the jurisdiction of this Court without availing the remedy as available under Rule 11(3) of the Rules. When the petitioner has an effective remedy available under Rule 11 (3) of the Rules and no reasons are assigned as to why he cannot avail the remedy under Rule 11(3) of the Rules, the writ petition is not maintainable.

3. Accordingly, the Writ Petition is dismissed. However, it is left open to the petitioner to file appropriate application, as warranted by law, along with an application for condonation of delay and the same shall be considered by the A.P. Endowments Tribunal, Hyderabad (4th respondent) in accordance with the provision contained in Rule 11(3) of the Rules. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 6th July, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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