

**The Hon'ble Sri Justice C.V.Nagarjuna Reddy**

**Writ Petition No.38159 of 2015**

**Dated 24.11.2015**

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**Between:**

K.Venkatachalapathi

**... Petitioner**

**and**

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The State of Andhra Pradesh

rep. by its Prl.Secretary,

Endowments Dept.,

Secretariat Buildings, Hyderabad and 3 others

**...Respondents**

**Counsel for the petitioner: Mr.Ch.Venkat Raman**

**Counsel for respondent Nos.1 & 2: GP for Endowments (AP)**

**Counsel for respondent No.3: None appeared**

**The Court made the following:**

**Order:**

This Writ Petition is filed for a Mandamus to set aside Order, dated 25-06-2015, in IA.No.1533 of 2013 in OA.No.610 of 2011, on the file of respondent No.4.

I have heard Mr.Ch.Venkat Raman, learned Counsel for the petitioner, and the learned Government Pleader for Endowments representing respondent Nos.1 and 2.

Respondent Nos.2 and 3 have filed the aforesaid OA under Section 83 (1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') for eviction of the petitioner from the property admeasuring 1050 square feet in T.S.No.3347 along with an RCC building bearing Door No.10-2-156/B of Doddapuram Street, Tirupati, Chittoor District (for short 'the subject property').

The petitioner is contesting the said OA and the same is pending before respondent No.4. Respondent Nos.2 and 3 have filed IA.No.1533 of 2013 in the said OA for a direction to the petitioner to pay a sum of Rs.20,000/- per month to respondent No.3 towards use and occupation of the subject property. By the impugned order, respondent No.4 has directed the petitioner to pay a sum of Rs.10,000/- per month from the date of filing the OA *i.e.*, 01-08-2011 till 31-07-2015 and continue to make monthly payments of the said amount in future from 1<sup>st</sup> July, 2015 onwards.

A perusal of the impugned order shows that the petitioner has not filed any counter and that he was set *ex parte*. Equally,

respondent No.4 has not assigned specific reasons for arriving at the sum of Rs.10,000/- to be paid by the petitioner. Considering these aspects and the further fact that the OA filed by respondent Nos.2 and 3 is yet to be adjudicated, I feel that ends of justice would be met, if the petitioner pays the amount from the date of passing of the impugned order instead of from the date of filing of the application by respondent No.3.

As the impugned order was passed on 25.06.2015, the petitioner shall pay the amount @ Rs.10,000/- per month from 1<sup>st</sup> July, 2015, onwards. The arrears accrued till the end of November, 2015, shall be paid by the petitioner within one month from today. The petitioner shall continue to pay the sum of Rs.10,000/- in future on or before 5<sup>th</sup> of every month commencing from December, 2015. The payment made shall be subject to the result of the pending OA before respondent No.5.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.49109 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

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**(C.V.Nagarjuna Reddy, J)**

**Dt: 24<sup>th</sup> November, 2015**

**LUR**