

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

WRIT PETITION No.25689 of 2015

Between:

Shaik Hameed, S/o. Shaik Mahaboob,
Aged about 45 years, R/o. 3-4-174/3/2/1,
Athapur, Rajendranagar Mandal,
Ranga Reddy District.

.. Petitioner

AND

The Assistant Commissioner,
Endowment Department,
Ranga Reddy District,
Tilak Road, Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25689 of 2015

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ORDER:

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With the consent of the learned Senior Counsel for the petitioner, the learned Government Pleader for Endowments Department for the 1st respondent and Sri Ch. Satish Kumar, learned Standing Counsel for the 2nd respondent, this writ petition is disposed of at the admission stage.

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2. The respondents herein filed O.A.No.909 of 2011 in the Andhra Pradesh Endowments Tribunal, Hyderabad, initiating proceedings for eviction of the petitioner herein from the properties claimed to be belonging to Sri Anantha Padmanabha Swamy Temple, Athapur, Rajendranagar Mandal, Ranga Reddy District (2nd respondent). In the said O.A., the respondents herein also filed I.A.No.1907 of 2011 praying to grant appropriate orders in accordance with Section 83(6) of the A.P.C. & H.R.I. Endowments Act, 30/87. In the said I.A., by order, dated 07.04.2015, the Tribunal directed to deposit an amount of Rs.15,000/- to the credit of the 2nd respondent temple in consideration of the use and occupation of O.A. schedule property from the date of filing of the O.A. i.e., 15.12.2011 till 15.04.2015. Aggrieved by the same, this writ petition is filed.

3. Learned Senior Counsel for the petitioner contends that the petitioner is ready and willing to make submissions in the main O.A. itself. The pleadings are complete. Even in I.A., the petitioner has already filed counter affidavit and though he was ready for making submissions, erroneously the Tribunal recorded as if the petitioner was not prosecuting the matter and was set *ex parte* and these orders are passed after four years of filing of the O.A. and the main O.A. itself ought to have been disposed of.

4. Learned Senior Counsel for the petitioner submits that the petitioner has serious objection on the initiation of the proceedings and according to the petitioner, he has purchased the property and title validly vested in him and the subject property does not belong to the 2nd respondent temple.

5. Learned Senior Counsel for the petitioner submits that the petitioner will be co-operating for early disposal of the main O.A. and shall appear whenever the matter is taken up for consideration and make his submissions.

6. As the above contentions itself would disclose that the matter is of the year 2011 and according to the learned Senior Counsel for the petitioner, the petitioner is ready and willing to participate in the proceedings for disposal of the main O.A. itself and, therefore, at this stage without disposing of the main O.A., there appears to be no justification to the Tribunal to pass interlocutory orders asking to deposit the amount as fixed therein from the date of institution of the O.A.

7. Having regard to facts of this case, ends of justice would meet if the O.A. is directed to be disposed of expeditiously, preferably within a period of two (2) months. The petitioner shall co-operate whenever the matter is listed for hearing and shall not seek adjournments. If the petitioner does not appear whenever the matter is listed for hearing or does not co-operate in disposal of O.A. as ordered above, it is open for the Tribunal to consider the matter on merits based on the record available and pass orders. It is made clear that in the event of the Tribunal allowing the O.A. filed by the respondents herein, the petitioner shall deposit the amount quantified by the Tribunal in the I.A.No.1907 of 2011 within two (2) months from the date of disposal of the O.A. in addition to any other orders that may be passed by the Tribunal.

8. With the above observations, the Writ Petition is disposed of. 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: 14th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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