

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.1720 OF 2015

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ORDER:

This writ petition is filed against the order dated 31.12.2014, passed in IA.No.414/2014 in OA.No.265/2014, by the A.P.Endowments Tribunal, Hyderabad, wherein the Tribunal, while exercising its power under Section 83(6) of the A.P. Charitable and Hindu Religious Institution & Endowments Act, 1987 (*for short 'the Act'*) directed the writ petitioner to pay Rs.4,000/- per month in consideration of the use and occupation of the OA schedule house from the date of filing the original application i.e., 21.04.2014 till 21.12.2014, within one month from the date of the said order, and continue to pay the same amount on or before the first of every succeeding month commencing from February, 2015, till the property is in his occupation.

The case of the petitioner is that he is the absolute owner of the property in question for which he is directed to pay the rent by the Tribunal. He further submits that he purchased the property in the year 1999 itself from the original owner, who obtained Occupancy Rights Certificate (ORC) on 16.02.1982, as such, the Tribunal should not have directed the petitioner to pay the rents.

Heard learned counsel for the petitioner.

Learned Government Pleader for Endowments submits that the petitioner has not produced any documents, in support of his case, before the Tribunal, as such, it cannot be said that the

Tribunal has committed an error in passing the impugned order.

Heard Sri Ch.Satish Kumar, learned Standing Counsel for the 3rd respondent-temple.

Though, the petitioner is asserting that he has purchased the property in question from his vendor by a registered sale deed in the year 1999, and his vendor was also granted Occupancy Rights Certificate from the Revenue Divisional Officer, Hyderabad for an extent of Ac.3.36 gts. in Sy.No.285 and 286 of Gudimalkapur Village under Section 4 of the A.P.(TA) Abolition of Inam Act, 1955, the case of the respondents is that the alleged sale deed is not produced. Further the petitioner has not produced any documents in support of his contentions, before the Tribunal, as such it cannot be said that the Tribunal has committed an error in passing the impugned order. More so, it is an interlocutory order pending main OA and no rights are decided by the Tribunal in its order. The Tribunal can keep the rents deposited by the petitioner in fixed deposit and the same will be subject to result of the main OA.

In view of the above, I do not see any error committed by the Tribunal, warranting interference of this Court under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed. However, the Tribunal may dispose of the OA as expeditiously as possible taking into account the pendency before it. 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

02.02.2015

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