

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.41391 of 2015

Date:21.12.2015

Between:

G.Thayaramma,
W/o Govindarajulu

..... **Petitioner**

And:

The State of A.P., repled., by its
Principal Secretary, Endowments (Rev.)
Department, Hyderabad
and two others.

.....**Respondents**

Counsel for the Petitioner: Mrs. Bobba Vijaya Lakshmi

Counsel for Respondent No.1: AGP for Endowments (AP)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of the respondents in not allowing the petitioner to do business in her wooden bunk bearing No.26, Park Road, Tirumala, Chittoor District as illegal and arbitrary. The petitioner sought for a consequential direction to the respondents to allow her to do business in the said wooden bunk.

From the perusal of the averments in the affidavit,

filed in support of this Writ Petition, it is evident that respondent No.2 filed O.A.No.681 of 2013 for the petitioner's eviction before the Andhra Pradesh State Endowments Tribunal (for short 'the Tribunal'); that an *ex parte* order was passed on 24.8.2013 allowing the said O.A; and that I.A.No.1528 of 2013 filed by the petitioner was allowed by the Tribunal on 30.4.2014 by restoring the said O.A. to file.

The petitioner averred that during the interregnum between 24.8.2013 to 30.4.2014, when the *ex parte* order of eviction in the said O.A. was in force, she was evicted; that after restoration of the said O.A., she has filed I.A.No.801 of 2015 for a direction to respondent No.2 to allow her to do the business in the above-mentioned bunk pending the said O.A; that the said I.A. was posted to 20.8.2015; and that in the meantime, the posts of the Chairman and the Member of the Tribunal fell vacant and the same have not been filled up. In view of the non-functioning of the Tribunal, she filed this Writ Petition.

Today, this Court by a separate order passed in Writ Petition No.39449 of 2015, directed respondent No.1 to fill up the vacancies of the Chairman and the Member of the Tribunal within six weeks from today.

In my opinion, as the O.A is pending before the Tribunal, and having regard to the nature of the application filed by the petitioner, *viz.*, restoration of her possession in respect of the above-mentioned wooden bunk, it is not appropriate for this Court to entertain the Writ Petition for this purpose at this stage.

Since the Tribunal is expected to be reconstituted within six weeks from today, the Writ Petition is disposed of by permitting the petitioner to pursue I.A.No.801 of 2015 before the Tribunal after such reconstitution.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.53434 of 2015 filed by the petitioner for

interim relief is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*21st December, 2015
DR*