

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.42243 of 2015

-
29.12.2015

Between:

Chiramana Kathyayani

.. Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Endowments Department, Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.K.Srinivas

Counsel for respondent Nos.1 and 2: Assistant Government Pleader
for Endowments (AP)

Counsel for respondent No.3: --

-

The Court made the following:

-

-

-

-

-

-

-

-

-

ORDER:

This writ petition is filed for a *mandamus* to set aside the public auction notification, dated 15.09.2015, of respondent No.3, whereunder the leasehold rights in respect of certain lands including the petitioner's land admeasuring Acs.2.04 cents in survey No.354/1 of Anantapur Village, T.P.Guduru Mandal, S.P.S.R. Nellore District, are sought to be auctioned.

At the hearing, Mr.K.Srinivas, learned counsel for the petitioner, submitted that in pursuance of the impugned auction notice, the auction was held and as the highest bidder has not paid the auction amount, the auction has not been confirmed in his favour.

The nature of the dispute raised by the petitioner pertains to the question whether the property claimed by the petitioner is an endowment or a private land. Under Section 87 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, the Endowments Tribunal is vested with the jurisdiction to decide whether any property is an endowment or not. Therefore, the petitioner is entitled to approach the Endowments Tribunal for deciding this issue. The learned counsel for the petitioner submitted that at present the vacancies of Chairman and Member of the Endowments Tribunal are not filled. This Court, by an order passed in another case, directed appointment of Chairman and Member of the Endowments Tribunal in a time bound manner based on an affidavit filed on behalf of the State Government. As the vacancies are likely to be filled up in near future, the petitioner is relegated to the remedy before the Endowments Tribunal.

Subject to the liberty given to the petitioner as above, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.54501

of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

29th December, 2015
GHN