

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

**Writ Petition No.484 of 2015**

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**Date: 18.01.2016**

**Between:**

Smt.J.Jaya Lakshmi and another

**.. Petitioners**

**and**

The State of Telangana  
rep. by its Commissioner of Endowments  
Hyderabad and 2 others.

**.. Respondents**

**Counsel for the petitioner :            Mr.V.Mallik**

**Counsel for respondent No.1:        AGP for Endowments (TS)**

**Counsel for respondent No.2:        Mr.DV.Sasidhar  
for Mr.Ch.Satish Kumar**

**Counsel for respondent No.3:        Mr.Challa Gunaranjan**

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**The Court made the following:**

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**Order:**

The grievance of the petitioners in this Writ Petition is that respondent No.2 has been unduly interfering with their possession of Plot Nos.42 and 43 situated in the approved layout of respondent No.3- Society.

Both the parties have raised pleadings, which contradict with each other with respect to the aspect as to whether the aforesaid plots claimed by the petitioners are situated in the approved lay out or not. The fact, however, remains that the approved lay out is with respect to an extent of Acs.8-00 cents of land and respondent No.2 has averred that the plots claimed by the petitioners are situated outside the said extent.

Along with the counter-affidavit filed by respondent No.3, a copy of survey report has been filed, which purports to support the case of the petitioners that their plots are situated within the aforesaid extent of Acs.8-00 of land, for which lay out has been sanctioned.

This Court, in exercise of its jurisdiction

under Article 226 of the Constitution of India, is not expected to decide the disputed question of fact as to whether the petitioners' plots are situated within the approved lay out or not. However, even if respondent No.2- Devasthanam finds that the petitioners have encroached upon its lands, it cannot cause unlawful interference with the latter's possession without initiating the eviction proceedings under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 read with the Rules framed thereunder.

Admittedly, no eviction proceedings have been initiated so far. Therefore, respondent Nos.1 and 2 are restrained from interfering with the petitioners' peaceful possession and enjoyment of Plot Nos.42 and 43 admeasuring 222 square yards each in Survey No.844/16/AA of Malkajgiri Village, Vallabhanagar Taluk, Ranga Reddy District, without following the due process of law.

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

As a sequel to disposal of the Writ Petition,  
Miscellaneous Petitions, pending if any, stand  
disposed of as infructuous.

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

**Dt: 18<sup>th</sup> January, 2016**  
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