

HON'BLE SRI JUSTICE S. RAVI KUMAR
CIVIL MISCELLANEOUS APPEAL No.406 of 2015

JUDGMENT:

This appeal is filed questioning order dated 02.05.2015 in O.A.No.786 of 2014 on the file of Andhra Pradesh Endowments Tribunal, Hyderabad, passed under Section 84 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, 'the Act')

2. Appellant herein is respondent in O.A.No.786 of 2014. According to respondents herein, schedule land is in occupation of respondent which was entrusted to him. Sri Vigneswara Swamy Temple, Nandulapet, Tenali Town, Guntur District, represented by 1st respondent- Assistant Commissioner of Endowments Department, Guntur District, filed application under Section 83 of the Act seeking eviction from schedule property and Andhra Pradesh Endowments Tribunal, Hyderabad, passed order directing appellant herein to deliver possession to respondent institution within one month from the date of the order and failing which liberty was given to the Endowments Department to proceed under Section 84 of the Act.

3. The main grievance of appellant is that he was not given any opportunity and it is an ex parte order.

4. Advocate for appellant submitted in a similar set of facts, this Court dismissed the appeal by giving liberty to

the appellant to approach the Tribunal under Rule 11(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Tribunal Rules (for short, 'the Rules'), by filing a petition to set aside the ex parte order and contest the case.

5. Advocate for respondents opposed the request of advocate for appellant and submitted that order of Andhra Pradesh Endowments Tribunal, Hyderabad, is not an exparte order.

6. Considering the submissions of both sides and as the order of the Andhra Pradesh Endowments Tribunal, Hyderabad, is not on merits, I deem it appropriate to give opportunity to appellant to put-forth his defence to contest the matter.

7. For the reasons mentioned above, appellant is given liberty to approach the Tribunal and file application under Rule 11(2) of the Rules, within thirty (30) days from today and on such application, the Tribunal shall dispose of that application within three months thereafter in accordance with law. It is made clear that if application is not filed within the time granted, respondents herein are given at liberty to execute the Tribunal order.

8. With the above direction, this appeal is dismissed as not maintainable.

9. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

21st March 2016.

Note:

Issue C.C. by 25.03.2016.

(b/o)

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