

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39674 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondent Nos.1 and 2 in taking steps to take possession of the property from the petitioner i.e., 2nd floor of Poonamchand Gandhi Jain Dharmasala bearing Door No.3-4-1059, Kachiguda, Hyderabad without disposal of I.A.No.264 of 2016 in O.A.No.292 of 2015 filed by the petitioner for setting aside the *ex parte* order, dated 9.9.2016, in O.A.No.292 of 2015 as illegal and arbitrary.

2. The petitioner is a religious trust in the name of Sri Vardhaman Sthanakvasi Jain Trust which is purely established for the propagation of Jain religion and to conduct various festivals celebrated by the Jain community in the premises which belongs to respondent No.2. Respondent Nos.1 and 2 herein filed O.A.No.292 of 2015 before the Telangana Endowments Tribunal at Hyderabad against the petitioner herein seeking a direction to the petitioner trust to remove the encroachment and to deliver the vacant physical possession to respondent No.2 herein. As the petitioner herein remained *ex parte*, the aforementioned O.A. was allowed with costs. So, the petitioner filed I.A.No.264 of 2016 in O.A.No.292 of 2015 for setting aside the *ex parte* order, dated 9.9.2016, in O.A.No.292 of 2015, but without disposing of I.A.No.264 of 2016, respondent Nos.1 and 2 herein are taking steps to take possession of the property from the petitioner.

3. Heard and perused the material available on record.

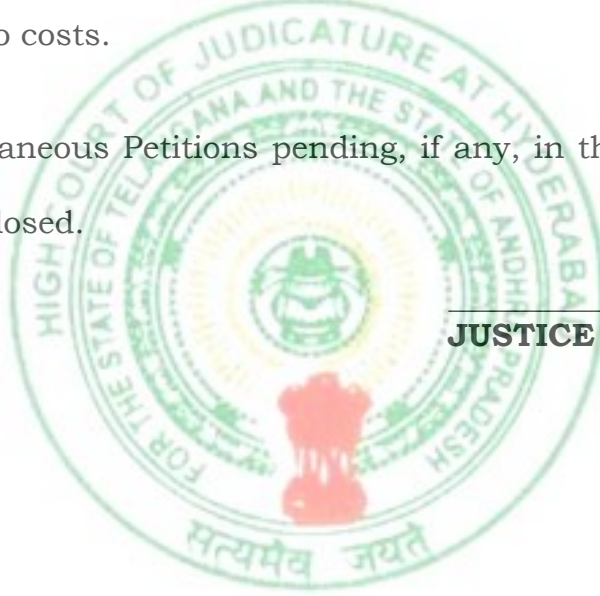
4. Considering the facts and circumstances of the case and the grievance of the petitioner, the Telangana Endowments Tribunal, Hyderabad is hereby directed to dispose of I.A.No.264 of 2016 in O.A.No.292 of 2015 as expeditiously as possible, preferably, within a period of three (3) months from the date of receipt of a copy of this order. Till then, respondent Nos.1 and 2 are directed not to take any steps for taking possession of the property in question from the petitioner.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

17.11.2016
AMD

JUSTICE RAJA ELANGO



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Date: 17.11.2016

AMD