

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.5547 of 2016

ORDER:

This Civil Revision Petition under Article 227 of the Constitution arises out of order dated 01.09.2016 passed by the Telangana Endowments Tribunal at Hyderabad, in I.A.No.995 of 2015 in O.A.No.453 of 2015.

Petitioner is the respondent in the said OA. I.A.No.995 of 2015 was filed in the OA by the respondents herein seeking a direction to the petitioner herein to pay Rs.15,000/- per month towards use and occupation of the schedule property. By the order under revision, the Tribunal directed the petitioner herein to deposit a sum of Rs.2,000/- per month towards use and occupation of the schedule property from the date of filing of the OA till its disposal. The said amount was to be invested in fixed deposits and the Tribunal made it clear that whoever was successful in the OA would be entitled to encash and appropriate the said fixed deposits along with accrued interest.

Heard Sri Gajanand Chakravarthy, learned counsel for the petitioner/respondent, and Sri Sudarshan Reddy Duddugunta, learned counsel on caveat for the respondents/applicants.

Sri Gajanand Chakravarthy, learned counsel for the petitioner, would contend that the Tribunal failed to take note of the fact that his client was the owner of the OA schedule property and therefore ought not to have saddled him with the liability of making monthly payments towards use and occupation of his own property.

Per contra, Sri Sudarshan Reddy Duddugunta, learned counsel, would state that OA schedule property was endowed to the temple as a service inam and that the petitioner/respondent cannot claim title and ownership over the same.

Perusal of the order under revision reflects that the father of the petitioner/respondent was the Archaka of the temple in question and his name is shown against the possessor column in the khasra pahani of the year 1954-55. As rightly pointed out by the Tribunal, in the light of this explanation as to the possession of the petitioner/respondent, no presumption can be drawn as to who is the owner of the OA schedule property at this stage. The matter would necessarily have to await final decision of the Tribunal. That being so, this Court finds no irregularity in the interim order passed by the Tribunal duly safeguarding the interest of both parties.

The Civil Revision Petition is therefore devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

18th NOVEMBER, 2016.

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