

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

Writ Petition No.3786 of 2016

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Date: 08.02.2016

Between:

V.Nagabhushanam

.. Petitioner

and

The State of Andhra Pradesh
rep. by its Principal Secretariat
Endowments Dept.
Hyderabad and 3 others

.. Respondents

Counsel for the petitioner : Mr.T.V.Sridevi

Counsel for respondent Nos.1 to 3: AGP for Endowments (AP)

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The Court made the following:

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Order:

This Writ Petition is filed for the following substantive relief:

“to issue an order or direction more particularly one in the nature of writ of mandamus declaring the orders of the 3rd respondent passed in order No. 104/2006 B2. Jdl., dt.30-12-2006 in O.A.NO. 117 of 2002 under section 83(2) of the Act 30 of 1987 against the petitioner for eviction from the premises situated in an extent of 1200 Sft. in T.S.No.944 of Vizianagaram, Vizianagaram as illegal, arbitrary and violative of principles of fundamental rights guaranteed under Article 21 of the Constitution of India and consequently direct the 4th respondent not to evict the petitioner from the above said premises.”

After strenuously arguing the case, Smt.T.V.Sridevi, learned Counsel for the petitioner, upon realizing that her client has no right to remain in possession of the property, however, requested for permission to remain in possession for a reasonable period to enable him to secure an alternative place for carrying on his business.

Smt.K.Lalitha, learned Standing Counsel for Endowment Institutions (Andhra Pradesh) submitted that the respondents are seeking to take possession of the property today.

Inasmuch as the petitioner is carrying on business, I find the request of the learned Counsel for the petitioner for granting reasonable time for vacating the premises reasonable. Accordingly, the petitioner is permitted to remain in possession for a period of two months from today subject to the condition that within three days, he shall file an affidavit, undertaking to vacate and handover the premises on the expiry of two months from today and also to pay the entire arrears of rents to respondent No.4 within two weeks from today, before the Executive Officer of respondent No.4.

The petitioner shall, accordingly, pay the entire arrears of rent to respondent No.4 within the above stipulated time. On the expiry of two months, the petitioner shall hand over the vacant possession to respondent No.4 without any demur, failing which, respondent No.4 shall be entitled to recover possession and also initiate contempt proceedings against him.

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

As a sequel to disposal of the Writ Petition,
WPMP.No.4832 of 2016, filed by the petitioner for
interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 8th February, 2016
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