

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 32986 OF 2011

ORDER:

This writ petition is filed seeking a Writ of Certiorari challenging the Award dated 12.05.2010 passed in O.A.No.27 of 2009 passed by the Deputy Commissioner, Endowments Department at Visakhapatnam.

2. It is not necessary for this Court to set out the facts except to state that petitioner claims that he is the owner of the property over an extent of 266 square yards in Survey No.275, Adivivaram Area, Pedagadhili Village, Visakhapatnam Rural Mandal, having constructed a small house in the said site and the third respondent temple is making a claim as the owner of the land. On behalf of the third respondent the Deputy Commissioner, first respondent, initiated proceedings under Section 83 of Act 30/87 by filing an application in the year 1999 before the first respondent and subsequently the same was renumbered as O.A.No.27 of 2009, wherein a final order came to be passed on 12.05.2010.

3. It is the case of the petitioner that by the date of passing order by the first respondent, the first respondent was divested with the power of adjudicating the disputes in relation to the cases falling under Section 83 of the Act 30/87 on account of the constitution of the Endowments Tribunal, in terms of Section 162 of the Act. It is not in dispute that the Endowments Tribunal came into existence on 03.01.2008 and the order came to be passed on 12.05.2010. In other words, the order has been made by an authority, who did not have

authority to make such an order. On the constitution of the Endowments Tribunal, all the cases pending cannot be decided only by the Deputy Commissioner of Endowments Department.

4. There being no dispute with respect to these aspects of the matter, the order dated 12.05.2010 is set aside with a direction to the Deputy Commissioner to make over the files to the Endowments Tribunal at Pedakakani, Guntur District, for disposal of the case in accordance with law. It is needless to mention that the petitioner as well as the third respondent shall be provided with adequate opportunity of hearing by the Endowments Tribunal before proceeding with the matter. Considering the fact that the application seeking eviction of the petitioner is originally of the year 1999, the Deputy Commissioner, first respondent, shall forward the file within 15 days from the date of the order to the Endowments Tribunal and the Endowments Tribunal shall endeavour to complete the enquiry and pass appropriate orders within a period of six months thereafter.

With the above direction, the Writ Petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

November 10, 2016
LMV

JUSTICE CHALLA KODANDA RAM