

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

**Writ Petition No.3773 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 3<sup>rd</sup> respondent passed in order No. 105/2006 B2. Jdl., dt.30-12-2006 in O.A.NO. 120 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 900 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 4<sup>th</sup> 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.4816 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

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**(C.V.Nagarjuna Reddy, J)**

**Dt: 8<sup>th</sup> February, 2016**  
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