

HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.3543 OF 2017

ORDER:

The writ petition is filed questioning the action of the respondents 2 and 3 in interfering with the possession of the petitioner in respect of house bearing No.7-61, admeasuring Ac.0.10 cents in Sy.No.818 of Ganjikunta Village, Mydukuru Mandal, Y.S.R Kadapa District, pending disposal of the O.A.No.1036 of 2010, on the file of A.P. Endowments Tribunal, Hyderabad.

Heard Sri Ch. Srinivas Murthy, learned counsel for the petitioner and the learned Government Pleader for the Endowments.

It is the case of the petitioner that the respondents 2 and 3 had filed a O.A.No.1036 of 2010, on the file of the A.P. Endowments Tribunal, Hyderabad, seeking a direction to evict the petitioner from the house bearing No.7-61 admeasuring Ac.0.10 cents in Sy.No.818 of Ganjikunta Village, Mydukuru Mandal, Y.S.R Kadapa District, which initially came to be disposed of by an *exparte* order dated 20.12.2010, declaring the petitioner as an encroacher. Thereafter, on an application filed by the petitioner, the said *exparte* order dated 20.12.2010, was set aside on 06.04.2011 and imposed certain conditions of the petitioner paying a sum of Rs.2,000/- towards costs apart from depositing a sum of Rs.750/- per month towards the use and occupation of the scheduled premises from the date of filing of the O.A.No.1036 of 2010 i.e., 01.04.2009. Thereafter, vide its order dated 19.08.2013, the Tribunal on an application filed by the petitioner, had modified the order of payment of Rs.750/- per month as Rs.2,100/- per annum and the petitioner has been complying the same.

Inasmuch as the O.A.No.1036 of 2010 filed seeking eviction of the petitioner is pending before the A.P. Endowments Tribunal, for disposal, the

respondents are coming and trying to evict the petitioner forcibly, the petitioner filed the present writ petition.

Learned standing counsel for Endowment submits that the land has been acquired by the Government for providing house sites for issuing pattas to the poor people and hence no orders shall be passed.

Having considered the respective submissions and having considered the O.A.No.1036 of 2010 filed by the respondents 2 and 3 in terms of Section 83 of the A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987, is pending before the Endowment Tribunal, any authorities shall have to wait for eviction of the petitioner till the final orders are passed in the said O.A. It may also be noticed that even from the O.A filed by the respondents 2 and 3 under Section 83 of the Act, the area under occupation of the petitioner is small and according to the petitioner the area under occupation of the petitioner is only Ac.0.10 cents. The same is evident from the very particulars furnished in the O.A filed under Section 83 of the Act that too in a remote village. In view of the facts and circumstances of the case, it would be just that the petitioner shall not be evicted until the final orders are passed in O.A.No.1036 of 2010.

With the above observation, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:01.02.2017,
Gk.

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