

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.24772 of 2017

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Endowments for respondent Nos.1 and 2 and Sri K.Jagan Mohan Reddy, learned Standing Counsel for the third respondent-temple.

The order, dated 05.01.2017 passed by the Telangana Endowments Tribunal, Hyderabad in O.A.No.14/2015, is under challenge in the present Writ Petition.

Respondent Nos.2 and 3 filed O.A.No.14/2015, under Section 83 of the Hindu Religious and Endowments Act 30/87, to declare the petitioner herein as encroacher and for removal of the said encroachments. The Tribunal, by way of the order under challenge dated 05.01.2017, allowed the said O.A. directing removal of encroachments.

When the matter was taken up earlier, the learned counsel for the petitioner submitted that the respondents herein may be directed to permit the petitioner to continue to be in possession of the property till auction is held. Today when the matter is taken up, an affidavit, deposed by the petitioner herein, is filed. Paragraph No.3 of the said affidavit reads as under:

“ I submit that initially I was given lease for one year to sell coconuts and puja materials in the

premises of the third respondent temple. I was given permission for erection of tin shed in the premises of third respondent to make use of it for sale of coconuts and puja materials. The authorities allowed me to continue to sell the coconuts and puja materials in the premises of the temple. I submitted a representation requesting the authorities to permit me to pay the rent being paid by other lessees whose shops are situated at outside the temple. My representation was not considered till date. Now the respondents have issued a notice dated 18.02.2017 requiring me to pay a sum of Rs.2000/- per month for use and occupation charges. I undertake to pay Rs.2000/- per month for use and occupation of tin shed erected by me for sale of coconuts and puja material in the temple premises from September, 2011 to till date within a period of 8 weeks from today. I submit that I paid a sum of Rs.40,000/- by way of a cheque drawn in favour of the third respondent. The said amount may be given credit to the arrears payable by me. Hence the affidavit".

On instructions, it is submitted by the learned Standing Counsel that, till the auctions are held, the petitioner herein will be permitted to continue to be in possession of the subject shop.

In view of the above submissions, the Writ Petition is disposed of, directing the respondents herein to continue the petitioner herein, till the auctions are held, subject to the petitioner paying the amounts as indicated above within a period of eight weeks from today. However, the respondents shall give credit to the amounts, if any, already paid.

As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

28th August, 2017
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A.V.SESHA SAI, J

