

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.418 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondent No.3 in invoking the provisions of Rule 15 of A.P. Charitable & Hindu Religious Institutions & Endowments Immovable Properties & Other Right (Other than Agricultural Lands) Leases & Licenses Rules, 2003 as published in G.O.Ms.No.426, Revenue (Endowments-1) Department, dated 9.11.2015, to resort to eviction/demolition in respect of Shop Nos.1 and 4 of the petitioners situated in Ranga Sai Complex, Trunk Road, Subedarpeta, Nellore, SPSR Nellore District as illegal and arbitrary and consequently, issue a direction to respondent No.3 not to proceed against the aforesaid property of the petitioners except by following the procedure as prescribed under Section 83 of the A.P. Charitable & Hindu Religious Institutions & Endowments Act, 1987 (for short, "the Act").

2. Heard and perused the material available on record.
3. The main grievance of the petitioners is regarding the issuance of notice by respondent No.3 on 9.9.2016 wherein petitioners were directed to vacate the shops in question and hand over the possession to respondent No.3.
4. Learned counsel for the petitioners mainly contended that if it is the case of respondent No.3 that the petitioners are in unauthorised possession, necessarily, the respondents have to

follow the procedure under Section 83 of the Act, but without following any such procedure, the respondents are directing the petitioners to vacate the shops in question.

5. Learned Standing Counsel representing on behalf of respondent No.3 submitted that the said notice is only in the nature of calling of explanation from the petitioners herein and a direction may be given to the petitioners to give their explanation and then, the respondents will consider the same and pass appropriate orders in accordance with law and that till a decision is taken on the explanation given by the petitioners, respondents will not interfere with the possession of the petitioners over the aforesaid shops.

6. Recording the submission of the learned Standing Counsel, the writ petition can be disposed of with the following direction:

The petitioners are directed to give their explanation to respondent No.3, who issued the notice, dated 9.9.2016, on or before 30.1.2017 and on receipt of such explanation, the respondents shall consider the same and pass appropriate orders in accordance with law within a period of one month thereafter. Till then, the respondents are directed not to interfere with the possession of the petitioners in respect of the aforesaid shops.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

4.1.2017
AMD



THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.418 OF 2017

Date: 4.1.2017

AMD