

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6305 OF 2017

ORDER :

Order dated 14.12.2016 in O.A. No. 2860 of 2010 passed by the A.P. Endowments Tribunal at Pedakakani is under challenge before this Court.

Sri J. Venkataiah, husband of the 1st petitioner and father of petitioners 2 and 3 (legal heirs), was originally granted leasehold rights in respect of the shop situated under main gopuram of Govindaraja Swamy Temple, Tirupati Town for one year i.e. from 01.10.1991 to 30.09.1992 which was subsequently extended for one more year. Thereafter, the lease was not extended, however, for the reasons best known to the respondent, the petitioners were not evicted and no steps were also taken in that direction. Finally, the respondent Tirumala Tirupati Devasthanams, invoking Section 83 read with 118 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, filed O.A.No. 7 of 2007, renumbered as O.A.No. 2860 of 2010, before the A.P. Endowments Tribunal at Pedakakani seeking eviction of the petitioners. Six years thereafter, through the order impugned in this Writ Petition, Petitioners 1, 2 and 4 to 6 were directed to be evicted, holding them as encroachers.

Heard learned counsel for the petitioners as well as Sri A.K. Jayaprakash Rao, learned Standing Counsel for the respondent Devasthanams.

As can be seen from the facts on record, though the lease was granted for one year, the petitioners are successful in retaining and being in possession and enjoyment of the subject shop for over and above 18 years. In this backdrop, the order of

the Tribunal, which was well-considered, does not warrant any inference at the hands of this Court.

At this stage, learned counsel for the petitioners requests to allow some breathing time to his clients to make alternative arrangements. In view of the same, the respondent is directed to consider granting time for one month to the petitioners for vacating the subject shop. In the event, the petitioners do not vacate the shop within the stipulated time, the respondent is at liberty to invoke the provisions under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

23rd February 2017

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