

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.13397 of 2011

ORDER:

The present Writ Petition came to be filed seeking issuance of a Writ, order, or direction, more particularly one in the nature of writ of *Mandamus* declaring the action of respondents in taking steps to dispossess the petitioners from the property to an extent of Ac.0.24 cents, wherein petitioners are said to have constructed the house bearing Door No.1-112 (in Ac.0.03 ½ cents) in R.S.No.6/3 of Karupallipadu village, P.Gannavaram Mandal, East Godavari District, pursuant to orders passed in O.A.No.2570 of 2010 by the Andhra Pradesh Endowment Tribunal, Hyderabad, as illegal and arbitrary and to set aside the order, dated 11.3.2011 in O.A.No.2570 of 2010 and consequently, direct respondents not to dispossess petitioners from the said land.

2. After considering the material placed on record, more particularly oral and documentary evidence, the Tribunal allowed the O.A. and directed respondents therein - petitioners herein to vacate and hand over the schedule premises within one month, by written intimation to the petitioners therein – respondents 3 and 4 herein, else to vacate them and anybody claiming through them or under them by the First petitioner therein – 4th respondent herein (Assistant Commissioner) with police aid and deliver possession of the same to the Second Petitioner therein – 3rd respondent herein (Manager of the Institution). Challenging the same, the present writ petition came to be filed.

3. Though various points are raised in the Writ Petition, Sri T.V.S. Prabhakar Rao, learned counsel for writ petitioners, while admitting that the

land is endowment land, states that petitioners have constructed the house in Ac.0.03 ½ cents in R.S.No.6/3 of Karupallipadu Village, P.Gannavaram Mandal, East Godavari District and that they are willing to give same extent of land adjoining to the very same land, to respondents herein. He further submits that petitioners made a representation, dated 17.7.2010 to the Commissioner of Endowments - 2nd respondent herein to that effect and the same is pending consideration. It is his case that in view of the pendency of the present writ petition, the 2nd respondent is not passing any orders on the representation of petitioners.

4. The request of petitioners is not seriously challenged by the counsel appearing for respondents.

5. Having regard to the above, the Writ Petition is disposed of confirming the order, dated 11.3.2011 passed in O.A.No.2570 of 2010 by the A.P. Endowments Tribunal at Hyderabad. However, the order of *status quo* shall be maintained for a period of eight weeks. In the meanwhile, the 2nd respondent shall pass orders on the representation, dated 17.7.2010 made by petitioners wherein they expressed their willingness to compensate or provide equivalent extent of land to the land admeasuring Ac.0.03 ½ cents wherein petitioners are said to have constructed a house. There shall be no order as to costs.

6. As a sequel, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

20th March, 2017

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