

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

WRIT PETITIOIN No.10075 of 2011

ORDER:

This Writ Petition filed under Article 226 of the Constitution of India calls in question the judgment and decree dated 05.08.2010 in O.A.No.5 of 1998 on the file of the Andhra Pradesh Endowments Tribunal.

2. The Respondents initiated action under the provisions of Section 83 of the Endowments Act for eviction of the petitioner from the subject lands, which was numbered as O.A.No.5 of 1998 on the file of the Deputy Commissioner of Endowments. After constitution of the Tribunal under the provisions of Endowments Act, the said O.A.No.5 of 1998 was transferred to the A.P. Endowments Tribunal.

3. Apart from other aspects, it is the principal contention of the learned counsel for the petitioner that, without giving any reasonable opportunity, the Tribunal rendered the impugned judgment and decree. It is the further submission of the learned counsel that the counsel for the petitioner before the Tribunal expired on 27.10.2003 and thereafter no notice was given to the petitioner herein. In the counter affidavit, filed in support of W.V.M.P.No.3316 of 2012, it is deposed by the Manager of the

3rd respondent-Temple that he personally informed the petitioner over mobile phone. Learned counsel for the petitioner took serious objection about the same. There is absolutely no evidence on record to substantiate the said pleading of the respondents. Since valuable rights are involved, the petitioner herein is certainly entitled for a reasonable opportunity. On this ground alone, without going into merits and demerits of the matter, this Court is inclined to set aside the judgment and decree passed by the Endowments Tribunal and remand the matter to the Tribunal for fresh consideration in accordance with law.

4. For the aforesaid reasons, the Writ Petition is allowed, setting aside the judgment and decree dated 05.08.2010 in O.A.No.5 of 1998 on the file of the Andhra Pradesh Endowments Tribunal and the matter is remanded to the Tribunal for fresh consideration in accordance with law after giving notice to all the stakeholders. Till the said exercise attains finality, the interim order of *status quo* granted by this Court on 15.4.2011 in W.P.M.P. No. 12421 of 2011 shall continue to operate. The Tribunal shall make an endeavour to dispose of the O.A. as early as possible, preferably within a period of three months from the date of receipt of this order.

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

A.V.SESHA SAI,J

07th November, 2017
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