

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

W.P.No.10071 of 2011

ORDER:

This writ petition filed under Article 226 of the Constitution of India calls in question the judgment and decree dated 13.10.2010 in O.A.No.6 of 1998 (renumbered as O.A.No.1200 of 2010) 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 petitioners from the subject lands, which was numbered as O.A.No.6 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.6 of 1998 was transferred to the A.P. Endowments Tribunal and renumbered as O.A.No.1200 of 2010.

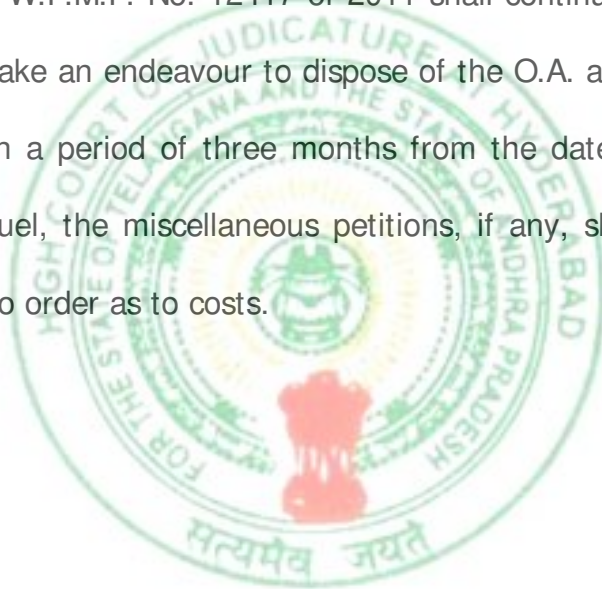
3. Apart from other aspects, it is the principal contention of the learned counsel for the petitioners that without giving any reasonable opportunity, the Tribunal rendered the impugned judgment and decree. It is the further submission of the learned counsel that the counsel for the petitioner before the Tribunal expired on 27.10.2003 and thereafter no notice was given to the petitioners herein. In the counter affidavit filed in support of W.V.M.P.No.3315 of 2012, it is deposed by the Manager of the 3rd respondent-Temple that he personally informed the petitioners over mobile phone. Learned counsel for the petitioners 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 petitioners herein are certainly entitled for a reasonable opportunity. On this ground alone, without going into merits and demerits of the matter, this

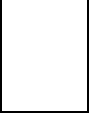
Court is inclined to set aside the judgment and decree passed by the Endowments Tribunal and remand the matter to the Tribunal for fresh consideration in accordance with law.

4. For the aforesaid reasons, the writ petition is allowed, setting aside the judgment and decree dated 13.10.2010 in O.A.No.6 of 1998 (renumbered as O.A.No.1200 of 2010) 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 statusquo granted by this Court on 15.4.2011 in W.P.M.P. No. 12417 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. As a sequel, the miscellaneous petitions, if any, stand closed. There shall be no order as to costs.

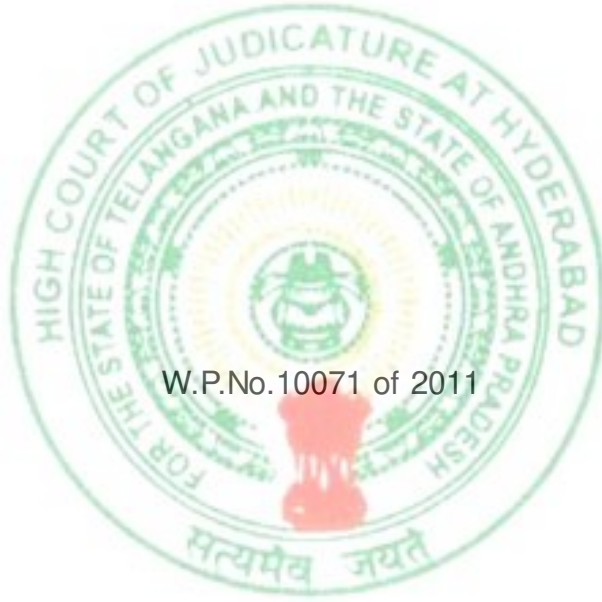
Date: 3.7.2017
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A.V.SESHA SAI, J





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3.7.2017

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