

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.19736 OF 2010

ORDER: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

The action of the first respondent, in issuing memo dated 14.07.2010, is questioned in this Writ Petition as being arbitrary, illegal, and in violation of principles of natural justice. A consequential direction is sought to the respondents to hand over the shop, under the main Gopuram of Sri Govindaraja Swamy Temple, Tirupati.

Facts, to the extent necessary, are that a lease was granted in favour of the petitioner for the year 1992 on a monthly rent of Rs.96/-, which is said to have been subsequently enhanced to Rs.122/-. The lease was periodically renewed. The 3rd respondent filed O.A. No.3 of 2003 before the 2nd respondent, under Section 83 of the A.P. Charitable & Hindu Religious Institutions and Endowments Act, 1987, seeking eviction of the petitioner. By proceedings dated 20.11.2006, the 2nd respondent delegated the powers conferred on him, under Section 188 of the Act, to the Regional Joint Commissioner, Endowments. The O.A. was disposed of on 21.05.2007. The petitioner filed a revision, against the said order, to the 1st respondent on 13.11.2009; on the ground that no orders were passed by the 1st respondent, he filed W.P. No.25027 of 2009 before this Court, and the 1st respondent was directed to dispose of the revision within two months from the date of receipt of a copy of the order; and, till then, *status quo* was directed to be maintained.

The first respondent passed an order on 14.07.2010 holding that the petitioner's shop was the only existing shop under the maharajagopuram of Sri Govindaraja Swamy temple; its existence was creating hindrances to the smooth flow of pilgrims; the petitioner had

no right to retain possession, and to be in occupation of the shop, after expiry of his lease, and even after he was declared as an encroacher; and there was no illegality, infirmity, irregularity and impropriety in the order passed by the Commissioner, Endowments. The revision petition was held to be devoid of merits, and the Executive Officer, TTD/Commissioner of Endowments were requested to take further immediate necessary action in the matter.

Pursuant to the order passed by the 1st respondent dated 14.07.2010, the TTD is said to have taken possession of the subject shop on 27.07.2010. For the past more than seven years, the petitioner's shop is not in existence. From the order of the first respondent, it is evident that the petitioner has no right to continue to retain possession of the subject shop as his lease expired long ago. We see no reason, therefore, to interfere with the order passed by the first respondent.

The Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 30.11.2017

MRKR