

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19576 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the orders passed by the 2nd respondent in Rc.No.A5/435/2017, dated 09.06.2017, for eviction of the petitioner from the land and business as without power and jurisdiction and authority and contrary to Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short, 'the Act'), and in violation of Articles 19, 21 and 300(A) of the Constitution of India and consequently declare that the respondents cannot treat the land in question as land donated or belong to Temple for the purpose of invoking the provisions under the Endowment Act for eviction.

2. Heard both sides and perused the material available on record.

3. The case of the petitioner is that the petitioner is permanent resident of Parnasala Village and running small business in a thatched shop situated on the Seethamma Vagu for the last 18 years over an extent of 2 ½ cents of land and that the said land belongs to Government and the petitioner obtained electricity connection six years back and paying current bills till date. The main grievance of the petitioner is that the 2nd respondent issued the impugned notice, dated 09.06.2017, which was communicated to the petitioner on 13.06.2017 asking the petitioner to evict and remove the business within three days, otherwise action under Section 84 of the Act.

4. Learned counsel for the petitioner submitted that the impugned notice, dated 09.06.2017, is not legally valid and the same is liable to be set aside.

5. Having regard to the facts and circumstances of the case and after hearing the arguments of both the counsel, this Court is of the view that if it is the case of the petitioner that the impugned notice, dated 09.06.2017, is invalid in law, then the petitioner is at liberty to submit a representation to the concerned authorities informing the same on or before 30.06.2017. On such representation, the respondent authorities are directed to consider the same and pass appropriate orders, as expeditiously as possible, in accordance with law. Till a decision is taken by the respondent authorities on the representation submitted by the petitioner, the respondent authorities are directed not to take any coercive steps, in pursuance of the impugned notice, dated 09.06.2017, except following the due process of law.

6. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 16th June, 2017

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