

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.34885 OF 2017

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Endowments (A.P.) appearing for respondent Nos.1 to 3 and Smt K.Lalitha, learned Standing Counsel appearing for respondent No.4, apart from perusing the material available before the Court.

2. A memo bearing No.1839/Endts.II(1)/2002, dated 14.09.2017, issued by respondent No.1 State Government, dismissing the revision petition filed by the petitioners herein under Section 93 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, "the Act") is under challenge in the present writ petition.

3. O.A.No.4 of 1993 filed under Section 83 of the Act was allowed by the Deputy Commissioner of Endowments, Kakinada *vide* order, dated 22.07.1997, ordering eviction of the petitioners and others. Against the said order, they filed Revision Petition No.18 of 1999 on the file of the Regional Joint Commissioner, Multi Zone-1, Endowments Department, A.P., Kakinada. The said revision was dismissed by the Regional Joint Commissioner by way of an order, dated 03.11.2001, confirming the order of eviction passed by the Deputy Commissioner of Endowments. Thereafter, on 27.12.2001, they filed a further revision to the State Government under Section 93 of the Act. Admittedly, pending the said revision, there was an order of *status quo* granted on 30.04.2007. Eventually, by virtue of the impugned memo, dated

14.09.2017, respondent No.1 State Government dismissed the revision filed by the petitioners and others.

4. The principal contention advanced in the present writ petition is that pending revision before the State Government, the parents of petitioner Nos.1 to 3 died on 21.04.2006 and 10.12.2014. It is also the case of the petitioners herein that the husband of petitioner No.4 also died on 06.07.2010 i.e., pending revision before the State Government. It is the contention of the learned counsel for the petitioners, reiterating the averments in the affidavit filed in support of the writ petition, that the order passed by the State Government, which is impugned in the present writ petition, is a void order and is passed against dead persons. It is also submitted that without allowing the petitioners herein to file necessary applications for bringing the legal representatives on record, the impugned order came to be passed by respondent No.1 herein dismissing the revision petition. To substantiate the said submissions, the death certificates of the parents of petitioner Nos.1 to 3 and the husband of petitioner No.4 herein are filed along with the writ petition as material papers. It is settled and well established principle of law that any order passed against a dead person is a void order.

5. Having heard the learned counsel for the petitioners, learned Government Pleader appearing for respondent Nos.1 to 3 and the learned Standing Counsel appearing for respondent No.4, this Court, in the facts and circumstances of the case, deems it appropriate to set aside the impugned memo bearing No.1839/Endts.II(1)/2002, dated 14.09.2017, and the revision

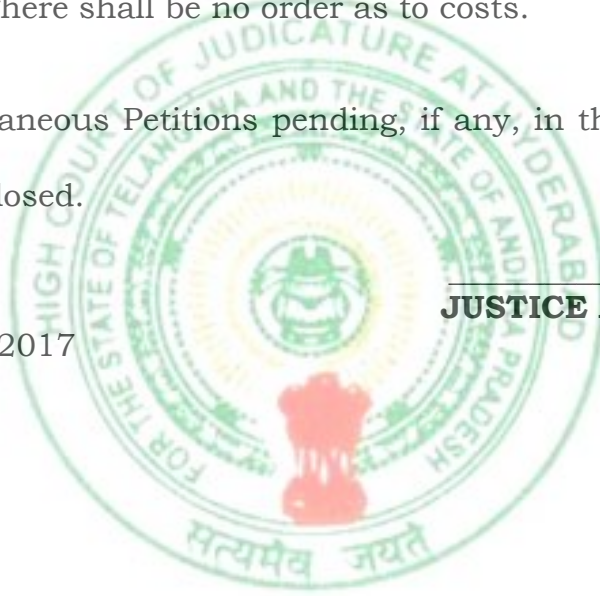
petition filed by the petitioners herein along with others stands restored to file and the petitioners are given one month time to bring the legal representatives of the deceased on record. If any such applications are filed to bring the legal representatives on record within the abovementioned period, the same be considered and appropriate orders be passed on revision within six (6) weeks thereafter strictly in accordance with law after hearing all the stakeholders in the revision petition.

6. With the above direction, the Writ Petition is allowed and remanded. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Date : 23.10.2017
AMD

JUSTICE A.V.SESHA SAI



THE HONOURABLE SRI JUSTICE A.V.SESHA SAI



WRIT PETITION No.34885 OF 2017

Date: 23.10.2017

AMD