THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.34444 OF 2017

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Endowments (A.P.) appearing for respondent No.1 and Sri A.Srikanth Reddy, learned Standing Counsel appearing for respondent No.2.

2. When there is a claim to the title of the subject property, an appeal lies against the orders passed by the Endowments Tribunal under Section 84(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987. The said provision of law reads as under:

> ***"84. Mode of eviction on failure of removal of the encroachments as directed by the Endowments Tribunal:-***
>
> ***(1) Where within the period specified in the order under sub-section (4) of Section 83, the encroacher has not removed the encroachment and has not vacated the land, building or space, the Assistant Commissioner having jurisdiction over the sub-division may remove the encroachment and obtain possession of the land, building or space, encroached upon, taking such police assistance as may be necessary. Any Police Officer whose help is required for this purpose shall be required to render the necessary help to the Assistant Commissioner.***
>
> ***2) Nothing in sub-section (1) shall prevent any person aggrieved by any order of the Endowments Tribunal under sub-section (4) of Section 83 from preferring an appeal before the High Court to establish that the Charitable or religious Institution or Endowment has no title to the land, building or space."***

3. In view of the above said provision of law, which prescribes a remedy of appeal against the order impugned, this Court is not inclined to entertain the present writ petition and it is open for the petitioner herein to avail the said remedy of filing an appeal against the order impugned.

4. With the above observation, the Writ Petition stands disposed of. There shall be no order as to costs.

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

JUSTICE A.V.SESHA SAI

Date : 16.10.2017
AMD

HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

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