

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.354 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, *inter alia*, stating as follows: - 'He is the trustee of Mutyalakunta Cheruvu tank situate in Bodavadamandagunta village, Parchur Mandal, Prakasam District. Some third parties are occupying the said tank bed which is not covered with water. Despite representations repeatedly made by the petitioner, no action has been taken by the respondents for removal of the encroachments made on the tank bed by such unauthorised encroachers. When a representation, dated 02.02.2016, is given, the Assistant Commissioner, Endowments Department, Ongole-4th respondent, *vide* Dis.No.A6/506/16, dated 16.12.2016, returned the representation requesting the trustee, that is, the writ petitioner to take immediate action under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987, and as per rules and report compliance; but, the petitioner being a trustee is not competent to initiate any legal action. It is for the respondents to take appropriate legal action for removal of the encroachments.'

At the hearing, learned counsel for the petitioner further submits that the petitioner would give a fresh representation to the respondents in the above regard and requests to give a direction to the respondents to consider and dispose of the same along with the earlier representation, dated 02.02.2016.

Learned Assistant Government Pleader for Endowments representing the respondents would submit that the respondents would take appropriate action in the matter in accordance with the procedure established by law;

however, he would point out that the petitioner did not name the encroachers in the pleadings.

Recording the afore-said submissions, the Writ Petition is disposed of reserving liberty to the petitioner to submit a fresh representation to the respondents 3 & 4 within two weeks from the date of receipt of a copy of this order. On the petitioner submitting such representation, the said respondents shall consider and dispose of the same along with earlier representation, dated 02.02.2016, in strict accordance with the procedure established by law, however within two weeks from the date of receipt of such representation and communicate the decision taken thereon to the petitioner within a week thereafter. It is made clear that if, on enquiries, it is noticed that the tank bed is encroached upon by third parties, the respondents shall initiate appropriate action forthwith against such encroachments by following the procedure established by law.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

04.01.2018

Vjl