

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.14768 OF 2008

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, which is in the nature of Writ of Certiorari, questioning the order of the Regional Joint Commissioner, Endowments Department in A.S.No.10 of 2005, dated 22.12.2007, confirming the order of the Assistant Commissioner, Endowment Department, Guntur, dated 23.03.2005, as arbitrary, illegal and in violation of Section 82 of the A.P. Charitable and Hindu Religious Institution and Endowments Act, 1987. By the impugned order, the Regional Joint Commissioner rejected the petitioner's claim of being declared as a landless poor person and affirmed the order passed by the Assistant Commissioner in this regard.

2. Learned counsel for the petitioner submits that as per the amended rules framed under G.O.Ms.No.419, dated 09.11.2015, the Assistant Commissioner, Endowments Department has been conferred the power to enquire about the status of landless poor persons every three years. The learned counsel would further submit that the petitioner may be permitted to approach the authority concerned, since the amended rules enable him to now approach the authorities to declare him a landless poor person; and it would suffice if this Court were to protect his interest till then, by directing

the respondents not to dispossess him from the subject land for a period of eight weeks from today.

3. It is not in dispute that, pursuant to the interim order passed by this Court on 10.07.2008, the petitioner has been in possession of the subject land ever since. Therefore, it is appropriate to dispose of the Writ Petition permitting the petitioner to make an application, under G.O.Ms.No.419, dated 09.11.2015, within two weeks from today, to the Assistant Commissioner of Endowments requesting him to declare him a landless poor person. For a period of four weeks from today, the interim order passed by this Court earlier shall continue to remain in force. Needless to state that, in case the petitioner fails to make an application within the aforesaid period of two weeks, it would be open to the respondents, thereafter, to proceed and take action against him in accordance with law.

4. The Writ Petition stands disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Date:23.07.2018

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