

WRIT PETITION No.4086 of 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“to issue appropriate writ or order or direction preferably one in the nature of Writ of Mandamus directing the respondent No.1, to follow the provisions of the A.P.Charitable and Hindu Religious Endowments Act strictly in case, he wants to evict the writ petitioners from Shops No.5, 7, 8, 9, 16, 18, 20 21 and 22 belongs to the 1st respondent matt at Sri Brahmachari Bavaji Mattam complex, Mattam Street, Canal Road, Vijayawada, Krishna District or interfere with their business and pass such other ...”

2. Heard the learned counsel for the petitioners, learned Government Pleader for Endowments for respondent Nos.2 and 3 and Sri Sasidhar, learned counsel representing Smt.K.Lalitha, learned Standing Counsel, who offers to file vakalat for respondent No.1 and perused the prayer in the writ petition with supporting affidavit and the notices earlier issued to the respective petitioners to vacate the subject premises, after expiry of the lease period.

3. The contention is that, but for, petitioner Nos. 1 to 9, so far as the others concerned, though lease period expired long back and even notices issued to vacate, that is not complied with and the petitioners cannot be thrown out, without following the due process of law. The other contention is that so far as petitioner No.9, though, no notice is filed, much less, any document showing the subsistence of the lease upto 31.03.2018 at par with petitioner No.1 covered by notice dated 29.01.2018 without expiry of the lease period, the respondents cannot put the premises respectively to auction.

4. As submitted, rightly, by the learned Standing Counsel and the learned Government Pleader for Endowments that conducting of auction cannot be prevented by the petitioners, but for, to say they cannot be dispossessed except through due process of law, if at all to put in possession of the prospective highest bidder in the auction to be conducted.

5. By recording the above submissions, this Writ Petition is disposed of, directing the respondents not to dispossess the petitioners, except through due process of law. So far as whose period of lease expired and so far as whose period of lease in subsistence if at all to cancel by virtue of Section 83 of the Endowments Act, the respondents are at liberty to cancel or terminate and proceed.

6. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 08.02.2018
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