

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.15609 OF 2009

ORDER:

This Writ Petition is filed to declare the proceedings of the first respondent in O.A.No.154 of 2008 dated 31.03.2009, as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the third respondent.

The case of the petitioner is that the petitioner is the leaseholder of shops belonging to the third respondent-institution; there is a vacant site of an extent of 389 square yards situated at the back side of the shops which is being used by the petitioner for keeping material; the third respondent filed O.A.No.154 of 2008 under Section 83 of the Endowments Act before the Deputy Commissioner of Endowments, Kakinada; the first respondent issued notice to the petitioner to remove the encroachments; the first respondent passed eviction orders on 31.03.2009 in the said O.A.; immediately thereafter the petitioner filed petition dated 08.06.2009 seeking to set aside the order in O.A.No.154 of 2008 and requested an opportunity to be given to him before passing orders; the said application is still pending before the first respondent; the third respondent is insisting the petitioner to vacate the premises in view of the orders passed in O.A.No.154 of 2008.

Interim direction was passed on 31.07.2009 directing the respondents not to evict the petitioner from the subject property.

Learned counsel for the petitioner contends that the application filed by the petitioner on 08.06.2009 before the first

respondent seeking to set aside the order dated 31.03.2009 in O.A.No.154 of 2008 is still pending consideration before him.

No counter affidavit has been filed by the first respondent even though the Writ Petition is of the year 2009.

In view of the facts and circumstances of the case, if the application filed by the petitioner on 08.06.2009 is pending before the first respondent, the first respondent is directed to dispose of the same, as expeditiously as possible.

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

(KONGARA VIJAYA LAKSHMI, J)

15th November 2018
RRB

