

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.11645 of 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for Respondents 1 and 2.

2. The grievance of the petitioner in the present writ petition is the inaction on the part of the Respondents 1 and 2 in enforcing the order of eviction passed in O.A.Nos.14 to 57 of 2002 and 81 to 85 of 2001 dated 17.6.2009 to take over possession of O.A. schedule property under Section 84 of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act').

3. The Deputy Commissioner of Endowments passed an order of eviction on 17.6.2009 under Section 83 of the Act, declaring the unofficial respondents herein as encroachers of the O.A. schedule premises. The Deputy Commissioner by way of the said orders, directed the unofficial respondents to vacate the O.A. schedule premises under their possession and to handover the vacant physical possession of the same. Questioning the validity and legal sustainability of the said orders passed by the Deputy Commissioner of Endowments, the unofficial respondents approached this Court by way of filing W.P.No.16813 of 2009 and batch. This Court by way of a common order dated 31.7.2015 dismissed the said batch of writ petitions, confirming the eviction orders passed by the Deputy Commissioner of Endowments.

4. It is submitted by the learned counsel for the petitioner that despite the above said orders passed by the Deputy Commissioner of Endowments as long back as on 17.6.2009 as confirmed by this Court by order dated

31.7.2015 in W.P.No.16813 of 2009 and batch, no action has been taken by the Respondents 1 and 2 in the direction of giving effect to the said orders and in view of the same, the unofficial respondents are squatting over the schedule premises and as a result of which, the petitioner is sustaining irreparable loss and hardship.

5. Section 84 of the Act stipulates that if the encroacher as declared under Section 83 of the Act does not vacate the premises, the Assistant Commissioner is required to remove the encroachment and obtain possession of the land/building encroached upon with the assistance of the Police.

6. Having regard to the submissions made by the learned counsel for the petitioner and the learned Government Pleader for Respondents 1 and 2 and keeping in view the provisions of the Act mentioned supra, this Court deems it appropriate to dispose of the writ petition with a direction to the Respondents 1 and 2 to take appropriate action as per Section 84 of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987 for enforcement of the orders passed by the Deputy Commissioner of Endowments dated 17.6.2009 in O.A.Nos.14 to 57 of 2002 and 81 to 85 of 2001 as confirmed by this Court in W.P.Nos.16813 of 2009 and batch dated 31.7.2015 for taking possession of the O.A. schedule properties and handing over the same to the petitioner as expeditiously as possible, preferably within a period of four months from the date of receipt of this order.

7. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 17.7.2018
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17.7.2018

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