

THE HON'BLE SRI JUSTICE A.V.SESHA SAI
WRIT PETITION Nos.23600,23601,23633,23634 and
23648 of 2017

COMMON ORDER:

Since all these Writ Petitions are similar in nature, this Court deals it appropriate to dispose of the present Writ Petitions by way of this Common Order.

Heard Sri Anup Koushaik Karavadi, learned counsel for the Petitioners and Sri A. Sreekanth Reddy, learned Standing Counsel for respondent No.4/Institution.

In all these Writ Petitions, challenge is to the Orders passed by the Andhra Pradesh Endowments Tribunal, Amaravathi at Pedakakani, in Original Applications filed by the respondent institution under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act of 1989 (for short ' the Act'). The Tribunal by way of the Orders under challenge allowed the Original Applications filed by the respondent institution, directing the Writ Petitioners herein to vacate and deliver the vacant possession of the application schedule properties within a period of one month.

This Court initially granted interim orders and now vacate applications have been filed on behalf of the respondent institution. The respondent institution filed the said Original Applications, contending *inter alia* that it is the absolute owner of the application schedule sites in railway feeders Road and are situated on the road side. It also stated that there are sheet

roofed sheds on the road side and are under the unauthorized occupation of the respondents/writ petitioners herein and they are in occupation of the property without any permission and not paying any amount towards damages for their use and occupation.

The Writ Petitioners herein filed counters denying the allegations made in the original applications while contending that there were no latches or negligence on their part. They further stated that they made certain payments also.

During the course of trial, the Executive Officer of the subject Institution was examined as Pw.1 and Exs. A.1 and A.2 were marked. But, on behalf of Writ Petitioners, no oral evidence was adduced.

After considering the material available on record, the learned Presiding Officer passed the Orders under challenge, holding the Writ Petitioners as encroachers under Section 83 of the Act and directed them to vacate the plaint schedule lands.

During the course of hearing, it is submitted by the learned Standing Counsel that the Writ Petitioners herein are in arrears of the rentals to the following effect :

Sl.No.	Name & Number of the Writ Petition	Amount
01.	Petitioner in W.P.No.23600 of 2017	Rs.67,325/-
02	Petitioners in WP No.23601 of 2017	Rs.1,72,670/-
03	Petitioner in W.P.No.23633 of 2017	Rs.1,10,000/-
04	Petitioner in W.P.No.23634 of 2017	Rs.1,45,473/-
05	Petitioners in WP No.23648 of 2018	Rs.3,63,300/-

A perusal of the Orders passed by the Tribunal clearly discloses that the Tribunal after considering entire material on record and by assigning valid reasons came to the conclusion that the Writ Petitioners fall under the definition of encroachers and ordered their eviction.

It is a settled and well established proposition of law that unless the Order impugned suffers from jurisdictional error and passed in violation of the principles of natural justice, a Writ in the nature of certiorari cannot be issued under Article 226 of the Constitution of India. In the present cases, no such contingency does exist. Therefore, this Court is not inclined to meddle with the Orders impugned in these Writ Petitions. However, taking into consideration the long standing possession of the petitioners herein and taking into account the submissions of the learned counsel for the petitioners, this Court deems it appropriate to grant six months time to the petitioners herein from today for vacating the subject premises and handing over of the same to the respondent institution, subject to the petitioners clearing all arrears as mentioned supra, within a period of three months from today. It is also made clear that if the petitioners herein fail to adhere to the above said conditions, it is open for the respondent institution to get the order executed. It is also made clear that the petitioners herein shall also pay an amount of Rs.2000/- per month towards future rents till expiry of the said period.

Accordingly, these Writ Petitions are disposed of. No costs.

As a sequel, the miscellaneous petitions, if any, pending shall stand closed.

A.V.SESHA SAI, J

11th September, 2018

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Dt: 11-09-2018

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