

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

**Writ Petition Nos.25540, 25738, 25757, 25768, 25846,
25848, 26470, 27147 and 27158 of 2018**

COMMON ORDER:

Heard both sides and perused the material available on record.

2. Since the petitioners, in all these cases, share a similar grievance and as the contentions are also the same, this Court deems it appropriate to dispose of all these cases by way of this common Order.

3. Against the petitioners herein, the respondent Nos.3 and 4 initiated action under the provisions of Section 83 of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereinafter, referred as 'the Act') and filed O.A.Nos.32, 28, 44, 34, 46, 42, 31, 40 and 39 of 2015 respectively on the file of the A.P.Endowments Tribunal, for eviction from the schedule lands. The Tribunal, by way of the Orders under challenge, ordered eviction of the petitioners. After pronouncement of the impugned Orders, the petitioners herein filed I.A. (SR) Nos.1704, 1700, 1718, 1708, 1720, 1716, 1706, 1712 and 1710 of 2018 respectively in the above said Original Applications under Rule 11 (3) of the A.P.Charitable and Hindu Religious Institutions and Endowments Rules, 2010, praying to set aside the *ex parte* orders, dated 02.05.2018, passed in the above said Original Applications.

4. The grievance of the petitioners, in all these cases, is that pending the said applications to set aside the *ex parte* orders, if the eviction orders, which are impugned in the present Writ Petitions, are permitted to be enforced, the petitioners will have to suffer irreparable loss and hardship and the fate of the applications filed to set aside the *ex parte* orders would be frustrated and the petitioners will have to forego their valuable right to contest the matters, on merits.

5. On the contrary, learned Government Pleader for Endowments and Smt.K.Lalita, learned Standing Counsel for the respondent-Institution, contend that in the guise of pendency of the applications to set aside the *ex parte* orders passed by the Tribunal under Section 83 of the Act, the petitioners herein cannot restrain the respondents from enforcing the said orders and the entire effort of the petitioners is to drag on the issue to the extent possible. It is further submitted by the learned Standing Counsel that the petitioners are in arrears of the amounts from 2014 onwards. A Memo, dated 02.08.2018, is filed by the learned Standing Counsel for the 4th respondent-Institution stating that an amount of Rs.2,90,000/- per year is payable for the period from 2014 to 2018.

6. Admittedly, the A.P.Endowments Tribunal passed the *ex parte* Orders in view of the failure on the part of the petitioners herein to contest the matters. There is also no dispute that the applications filed by the petitioners herein, as mentioned supra, to set aside the *ex parte* orders are pending consideration before the Tribunal. The Tribunal, by way of Orders, dated 02.05.2018, directed the petitioners to vacate and deliver the vacant possession of the petition schedule properties within one month. Since valuable rights are involved and in order to put a quietus for the litigation on merits, and keeping in view of the pendency of the applications filed by the petitioners to set aside the *ex parte* Orders, this Court deems it apt and appropriate to give opportunity to the petitioners herein to pursue their applications filed to set aside the *ex parte* orders before enforcement of the Orders of eviction, however, with certain conditions.

7. Having regard to the facts and circumstances of the case and after giving thoughtful consideration, these Writ Petitions are disposed of, directing the A.P. Endowments Tribunal to consider the applications filed

by the petitioners herein to set aside the *ex parte* Orders in the subject Original Applications and pass final Orders, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this Order. Till the said applications are disposed of by the Endowments Tribunal, as mentioned above, Status quo with regard to possession over the subject properties shall be maintained. However, this Order will enure to the benefit of the petitioners herein only in the event of petitioners paying an amount of Rs.5,000/- per acre, per annum, from 2014 to 2018 to the respondent-Institution, within a period of one month from today. It is also made clear that in the event of failure to pay the said amount, as indicated supra, this Order will not enure to the benefit of the petitioners herein and it is open for the respondents herein to enforce the Order under challenge.

As a sequel, the miscellaneous petitions, if any, shall stand closed.
There shall be no order as to costs.

2nd August, 2018
smr

A.V. SESA SAI, J