

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

WRIT PETITION No.28017 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleaders for Revenue and Endowments appearing for the respondent Nos.1 to 3 and Smt.K.Lalitha, learned Standing Counsel for Endowments, appearing for the fourth respondent.

The grievance of the petitioner, in the present Writ Petition, is that, without giving any notice to the petitioner herein, the Endowments Tribunal passed the impugned order, dated 24.04.2018, in O.A.No.1255 of 2010. By way of the order under challenge, the Endowments Tribunal, A.P. allowed the O.A., filed by the fourth respondent-temple, and directed the petitioner herein and others to vacate and deliver vacant possession of the petition schedule property within a period of four weeks.

According to the petitioner, he received the copy of the above order on 17.05.2018, on being served by the fourth respondent, and, prior to that, he had no knowledge of the said order of the Tribunal.

When the matter is taken up, a preliminary objection, as to the maintainability of the Writ Petition, is taken by the learned Standing Counsel that the petitioner herein, instead of availing the alternative remedy, as provided under Rule 11 of the A.P.Charitable and Hindu Religious Institutions and

Endowments Rules, 2010 (for brevity, 'the Rules'), notified vide G.O.Ms.No.180, dated 28.02.2011, approached this Court by way of filing the present Writ Petition.

Rule 11 of the Rules deals with the dismissal for default and the *ex parte* decrees. Sub-Rule (3) thereof enables the party being set *ex parte* to file an application to set aside the *ex parte* order.

In view of the above said alternative remedy available to the petitioner herein, this Court is not inclined to entertain this Writ Petition.

Accordingly, Writ Petition is disposed. It is open for the petitioner herein to file an appropriate application, as indicated supra. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

08th August, 2018.
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A.V.SESHA SAI, J