

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

W.P.No.28332 of 2018

ORDER:

Heard Sri G.V.S.Mehar Kumar, learned counsel for petitioner and Smt.K.Lalitha, learned Standing Counsel appearing for Respondent No.4-Devasthanam.

2. Respondents 3 and 4 initiated action under the provisions of Section 83 of A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 for eviction of the petitioner herein from the subject property by filing O.A.No.537 of 2017 before the 5th respondent-Endowments Tribunal. In the said O.A., the petitioner herein was set exparte and the Endowments Tribunal passed an exparte order on 3.4.2018, directing the petitioner herein to vacate and deliver vacant possession of the subject property. As a consequence of the said order, the Executive Officer of the 4th respondent Temple issued a paper notice, informing that the possession of the subject property would be taken over on 10.8.2018.

3. According to the petitioner, he is the absolute owner and possessor of tiled house bearing No.9/263 constructed in 135 sq.yards situated in Sy.No.256/1A1 of Gowrisankarapuram, Gudivada, Krishna district, having acquired the same by way of registered settlement deed dated 14.10.2016 bearing Document No.5867 from one Lanka Papayamma. It is contended by the learned counsel for the petitioner that seeking to set aside the exparte order, the petitioner herein filed application under Rule 11(3) of A.P. Charitable and Hindu Religious Institutions and Endowments Rules, 2010, so also application to condone the delay of 35 days in filing the said application and the said applications are pending consideration before the A.P. Endowments Tribunal. It is further submitted by the learned counsel that

pending the said applications, now the Respondent authorities are actively contemplating to take possession of the subject property in pursuance of the impugned order and the consequential paper notice dated 4.8.2018.

4. On the other hand, it is submitted by the learned Standing Counsel appearing for 4th respondent-Devasthanam that there are absolutely no reasons in the affidavit filed in support of the application to set aside the exparte order and in the absence of valid reasons for petitioner's absence on the date on which the petitioner was set exparte, the present writ petition is not maintainable and the petitioner deserves no merit for consideration.

5. Since the applications filed by the petitioner on 7.6.2018 under Rule 11(3) of the Rules to set aside the exparte order and for condonation of delay of 35 days in filing the said applications, this court deems it appropriate to dispose of the writ petition, with a direction to the 5th Respondent Tribunal to consider the said applications and pass appropriate orders strictly in accordance with law within a period of four weeks from the date of receipt of this order and till the orders are passed in the said applications, the enforcement of the order dated 3.4.2018 passed by the 5th respondent in O.A.No.533 of 2017 shall be deferred.

6. 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: 9.8.2018
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