

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

WRIT PETITION No.30807 of 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Endowments.

When the matter is taken up, it is submitted by the learned counsel for the petitioner that, pending O.A.No.16 of 2009 on the file of the Endowments Tribunal (A.P.), by way of a notice, dated nil, the Executive Officer of the respondent-temple issued directions not to make any constructions in the subject land. It is further submitted that the said action, on the part of the second respondent, is highly illegal, arbitrary and without jurisdiction. It is further submitted that, in O.A.No.16 of 2009, petitioner herein filed a counter, denying the ownership of the respondent-temple, while stating that he is the absolute owner and possessor of the land.

Since the O.A. is pending and rights are yet to be adjudicated in the said O.A., in the considered opinion of this Court, the impugned notice ought not to have been issued by respondent Nos.2 and 3 and the above directions are without jurisdiction.

In view of the above, Writ Petition is disposed of, setting aside the directions, issued by respondent Nos.2 and 3, directing the petitioner not to make any constructions. However, it is open for the respondents to make an appropriate application before the Endowments Tribunal. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

A.V.SESHA SAI, J

28th August, 2018

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