

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

WRIT PETITION No.31306 of 2018

ORDER:

Heard learned Counsel for the petitioner and the learned Government Pleader for Endowments for respondents No.1 to 3 and Sri Jaganmohan Reddy, learned Counsel for R.4.

An Order passed by the Telangana Endowments Tribunal, Hyderabad, in O.A.No.440 of 2012, dated 05.06.2018, ordering eviction of the petitioner herein under the provisions of Section 83 of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987, is under challenge in the present Writ Petition.

In the present case, the lease was extended for a further period of three years with 50% enhancement over the existing rent till 31.03.2012. On 24.10.2011 the respondent-institution issued a notice asking the petitioner to vacate the O.A.Schedule property, which is a shop premises bearing D.No.3-4-32, Mahankali Street, Secunderabad. The petitioner herein also instituted a suit O.S.No.92 of 2012 on the file of the I-Additional Junior Civil Judge, City Civil Court, Secunderabad, for the relief of perpetual injunction to restrain the temple authorities from interfering with his possession and enjoyment over the O.A. Schedule premises. It is also brought to the notice of this Court that the said suit was decreed by the Civil Court on 07.10.2014 directing the temple authorities to follow due process of law. Admittedly, in the present case, there is no extension of licence granted in favour of the petitioner beyond 31.03.2012. As per the provisions of Rule 4 of the Telangana Charitable & Hindu Religious Institutions &

Endowments Immovable Properties and Other Rights (Other than Agricultural Lands) Leases and Licenses Rules, 2003, notified vide G.O.Ms.No.866, Revenue (Endowments-I) Department, dated 08.08.2003, no lease/licence of immovable property shall be granted exceeding for a period of three years. In the instant case, admittedly, there is no further extension from 31.03.2012.

It is submitted by the learned Counsel for the petitioner, during the course of arguments, that the present shop is the only livelihood to the entire family and the petitioner has tender aged children also.

A perusal of the order passed by the Tribunal clearly discloses that the Tribunal, after duly taking into consideration various aspects, ordered eviction by way of the impugned Order. It is a settled and well established principle of law that a writ in the nature of Writ of Certiorari cannot be issued unless there is patent perversity and lack of jurisdiction. In the instant case, no such contingencies do exist. Therefore, this Court does not find any valid reason to interfere with the impugned Order. However, having regard to the submissions made by the learned Counsel for the petitioner with regard to the financial status and taking into consideration the submissions of the learned Counsel for the petitioner that the petitioner has tender aged children/school going children, this Court deems it appropriate to grant one year time from today subject to payment of Rs.6,000/- (Rupees six thousand only) per month towards the licence fee, payable by 5th of every month. It is made clear that in the event of default in payment of the licence fee for any one of the months, this Order will not enure to the benefit of the petitioner herein and the respondents are

entitled to enforce the order. It is also made clear that after expiry of one year period from today, the petitioner herein shall vacate the subject premises and handover the same to the respondent-institution.

With the above observations, the Writ Petition stands disposed of.

Miscellaneous petitions pending, if any, shall stand closed.
There shall be no order as to costs.

31st August, 2018
smr

A.V.Sesha Sai, J

