

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 40422 of 2018

ORDER:

1) Questioning the order passed by the Telangana Endowments Tribunal in O.A.No.2547 of 2014, dated 04.06.2018, the present writ petition came to be filed.

2) At the time of admission, an objection is taken by the learned counsel for the respondents that writ petition would not lie in view of Section 84 (2) of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short "the Act"), and only an appeal lies.

3) The fact that an appeal would lie is indicate in the decree itself, stating that any person aggrieved by the Award and decree, has got a right of appeal, subject to 2nd proviso of Section 84 (2) of the Act and the said appeal is required to be filed within 90 days from the date of receipt of award.

4) A reading of section 84 (2) clearly discloses that nothing in sub-section (1) shall prevent any person aggrieved by any order of the Endowments Tribunal, under sub-section (4) of Section 83 from preferring an appeal before the High Court, to establish that the Charitable or religious institution or Endowment has no title to the land, building or space. Provided that no appeal shall be preferred after expiry of ninety days from the date of receipt of the order under sub-section (4) of Section 83. Since the impugned

order came to be passed under Section 83 (1) of the Act and having regard to the judgment of this Court in *Executive Officer, Group Temples, Sirakulam v. Sri Sakhiya Matt, Srikakulam and others*¹, I see no grounds to entertain the writ petition.

5) Accordingly, the writ petition is dismissed, giving liberty to the petitioner to avail the remedy available under law.

6) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

13.11.2018
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JUSTICE C. PRAVEEN KUMAR

¹ (2010) 5 ALD 739