

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.45227 of 2017

ORDER.

This Writ Petition is filed seeking the following relief:

“.... to issue a Writ, Order or Direction more particularly one in the nature of Writ of *Mandamus* declaring that the notice, dated 19.12.2017, is not enforceable as the judgment and decree, dated 07.12.2017, in O.A.No.1472/2010 (New) is passed against the dead person being abated it is not executable and respondent No.4 is not competent person to issue notice under Section-84(1) of the A.P Endowments Act and issuing the impugned notice is arbitrary, illegal, capricious and hence, it is liable to be set aside.”

Learned counsel for the petitioners brings to the notice of this Court that the judgment/award, dated 07.12.2011, passed in O.A.No.1472 of 2010 (new) on the file of the Andhra Pradesh Endowments Tribunal, Hyderabad, is unenforceable as the same was passed against a dead person. He would also submit that the Tribunal in its docket order, dated 15.12.2011, in I.A.No.527 of 2012 has noted the said fact and made specific observation that the said O.A. is reopened by setting aside the said judgment/award and further stated that no party is entitled to the copy of the judgment/award in the said O.A. since the same is set aside. He would further submit that the impugned notice,

dated 19.12.2017, was issued for enforcing the said judgment and decree, which are set aside as per the docket order of the Tribunal. Hence, the Writ Petition is filed.

Learned Standing Counsel appearing for respondent Nos.4 and 5 does not dispute the factual matrix.

Having regard to the facts of the case and the submissions of the learned counsel, the Writ Petition is allowed as prayed for. However, it is made clear that the Tribunal shall proceed with the disposal of O.A.No.1472 of 2010 (new) pending before it in strict accordance with the procedure established by law.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand dismissed.



JUSTICE M.SEETHARAMA MURTI

02nd January 2018

DR