

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Miscellaneous Appeal No.937 of 2019

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 88 of The Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987, is filed by the appellant/respondent in O.A.No.8 of 2015, challenging the order, dated 03.06.2019, passed in O.A.No.8 of 2015, by the Telangana Endowments Tribunal at Hyderabad, whereby, the petition filed by the respondents/applicants to declare the appellant herein as encroacher of the O.A.schedule property and for removal of such encroachment and for delivery of vacant possession of the O.A.schedule property, was allowed.

2. Heard the learned counsel for both sides and perused the record.

3. The learned counsel for the appellant would contend that the appellant has title and substantial interest over the O.A.schedule property, i.e., 100 square yards consisting of a house bearing Door No.9-4-86/222 (part), which is known as 'Main Temple Mandapamu'. The appellant has number of documents to his credit to substantiate the same. The impugned order is passed erroneously, without considering the documents and the appellant's right to continue in the O.A.schedule property and ultimately prayed to set aside

the order under challenge and allow the appeal as prayed for.

4. On the other hand, the learned Government Pleader for Arbitration appearing on behalf of the 1st respondent and the learned counsel for the 2nd respondent Temple would contend that the O.A.schedule property belongs to the 2nd respondent temple, i.e., Kovela Ranganayaka Swamy Temple. There is no dispute with regard to the title of the O.A.schedule property. The appellant herein is an encroacher thereon. Having considered the same, the Court below was justified in passing the impugned order. There are no documents to the credit of the appellant herein to establish his independent title over the O.A.schedule property and ultimately prayed to dismiss the appeal.

5. In view of the above rival submissions, the point that arises for determination in this appeal is as follows:

“Whether the order, dated 03.06.2019, passed in O.A.No.8 of 2015, by the Telangana Endowments Tribunal at Hyderabad, is liable to be set aside?”

6. Though the appellant herein contended that he has title to the O.A.schedule property, he has not exhibited a single document before the Endowment Tribunal to substantiate the same. There is ample record to show that the O.A.schedule property belongs to Endowments Department and the appellant herein is an encroacher

thereon. Moreover, the 2nd respondent temple is a registered temple. The Tribunal is justified in passing the impugned order. There is nothing to take a different view. Moreover, pursuant to the impugned order passed by the Endowments Tribunal, the authorities concerned have taken over the possession of the O.A.schedule property from the appellant herein, vide panchanama dated 02.11.2019. Under these circumstances, the appeal is devoid of merit and is liable to be dismissed.

7. Accordingly, the appeal is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this appeal, shall stand closed.

Dr. SHAMEEM AKTHER, J

07^h November, 2019
Bvv