

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.Nos.46808, 46809, 46818 and 46848 of 2018

COMMON ORDER:

Heard the learned counsel for the petitioners and the learned counsel appearing for respondents and perused the material available on record.

2. In all these writ petitions, admittedly petitioners are in possession of the property belonging to 2nd respondent-Devasthanam. Petitioners challenged the eviction orders before the Endowments Tribunal. The Endowments Tribunal, as a matter of fact, found that the lease granted in favour of the petitioners was not extended and gave a finding that the petitioners are encroachers as defined under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act 30/87).

3. The learned counsel appearing for the petitioners in the above writ petitions submitted that the petitioners are eking out their livelihood by running business in the subject premises with the help of their family members and are paying rents regularly to the 2nd respondent-Devasthanam. The learned counsel further submits that a reasonable time may be given to enable the petitioners to find alternate accommodation and for handing over possession of the property.

4. It is asserted by the learned counsel appearing for 2nd respondent-Devasthanam that there are arrears of rents payable by the petitioners.

5. A person without valid lease/written licence granted by the competent authority cannot hold the property of the institution. There is no illegality or irregularity in the impugned order passed by the Endowments Tribunal. Therefore, the writ petitions are liable to be dismissed on merits. However,

considering the fact that the petitioners are eking out their livelihood by doing business in the subject premises, they are granted six months' time to vacate and handover vacant possession of the subject premises to the 2nd respondent-Devasthanam, subject to the condition that the petitioners shall file an unconditional undertaking before this Court to the effect that they will vacate and handover vacant possession of the subject premises to the 2nd respondent-Devasthanam on or before 01.08.2019; they would clear all the arrears of rents, if any, before the said date; and that in the event of any violation of terms of undertaking, the 2nd respondent-Devasthanam can take appropriate steps for initiation of contempt proceedings against them.

6. With the above observations and directions, all the writ petitions are disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 5.2.2019
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CHALLA KODANDA RAM, J

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