

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO: 4572 OF 2021

Between:

Brij Gopal Heda, S/o. Sri Sita Ram Heda, Aged about 53 years, Occ. Business, R/o. 19-1-927/29/A, Murli Nagar, Bahadurpura, Hyderabad 500064

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Endowment Department, Secretariat, Hyderabad.
2. Endowment Department, Represented by the Commissioner of Endowment, Boggulakunta, Hyderabad.
3. The Deputy Commissioner, Endowment Department, Hyderabad District.
4. The Assistant Commissioner, Endowment Department, Hyderabad District.
5. The Executive Officer, Endowment Department, Sri MuraliManohar Swamy Temple KishanBagh, Bahadurpura, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order, direction or writ, more particularly, in the nature of Writ of Mandamus, thereby declaring that the Act of the Respondent No.5 threatening the petitioner to vacate and handover possession of the tenement portion bearing municipal no. 19-4-367, admeasuring 3433 sq. yards equivalent to 2929.98 sq. meters situated at Kishanbagh, Bahadurpura, Hyderabad, within seven days by issuing Final Notice vide letter No. 75/SMMST/2021 dated 19/02/2021 served on 20/02/2021 is illegal, null and void and further to declare the caution notice written on the gate of the petitioner by the Respondent No.5 as illegal, unlawful arbitrary and against the law and principles of natural justice thus, thereby directing the Respondents not to dispossess the petitioner from the subject land without following procedure laid down under Sec.83 to 85 of the Act.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass an order of Interim Injunction Order, thereby restraining the Respondents or any other person claiming through or under the Respondents from interfering with the peaceful possession and enjoyment of the petitioner in respect of property bearing municipal no. 19-4-367, admeasuring 3433 sq. yards equivalent to 2929.98 sq. meters situated at Kishanbagh, Bahadurpura, Hyderabad, pending disposal of the Writ Petition.

IA NO: 2 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to receive the said notice vide Lr.No.75/SMMST/2019, DATED.28/11/2019 as additional material paper in the above writ petition in the interest of justice.

Counsel for the Petitioner: SRI DAMODAR MUNDRA

Counsel for the Respondent Nos.1 to 4: GP FOR ENDOWMENTS

Counsel for the Respondent No.5: SRI KOTHA JAGAN MOHAN REDDY, SC

The Court made the following ORDER

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.4572 OF 2021

ORDER:

This Writ Petition is filed by the petitioner seeking to declare action of the respondent No.5 in threatening the petitioner to vacate and hand over possession of the tenement portion bearing Municipal No.19-4-367, admeasuring 3433 sq.yards equivalent to 2929.98 sq. meters situated at Kishanbagh, Bahadurpura, Hyderabad, within seven days by issuing final notice vide letter No.75/SMMST/2021, dated 19.02.2021 served on 20.02.2021 as illegal and consequently direct the respondents not to dispossess the petitioner from the subject land without following due procedure.

2. Heard learned counsel for the petitioner and learned Govt. Pleaders for Endowments and Sri Kotha Jagan Mohan Reddy, learned standing counsel for the respondent No.5 – Temple and perused the record.

3. It is the case of the petitioner that he is in possession of the subject property by virtue of the lease deed. The respondent No.5 is threatening him to vacate the subject property and also issued a notice for which the petitioner submitted his explanation but the same is not considered by the respondents.

4. In view of the above submissions and facts and circumstances of the case, the Writ Petition is disposed of permitting the petitioner to approach the 2nd respondent – The Commissioner, Endowment Department and submit representation enclosing the relevant documents in support of his contentions and on such representation, the 2nd respondent – The Commissioner, Endowment

Department shall verify the records available with the Endowment Department and after giving an opportunity to the respondent No.5 - Sri Murali Manohar Swamy temple; and after verifying their records, to pass comprehensive order. This Exercise shall be completed as expeditiously as possible preferably within a period of four (4) weeks from the date of receipt of a copy of this order. It is needless to observe that the petitioner shall cooperate with the enquiry before the 2nd respondent - The Commissioner, Endowment Department.

Pending miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

SD/-K.AMMAJI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Commissioner of Endowment, Endowment Department, Boggulakunta, Hyderabad.
2. One CC to SRI DAMODAR MUNDRA, Advocate [OPUC]
3. One CC to Sri KOTHA JAGAN L. MOHAN REDDY, SC (OPUC)
4. Two CCs to the GP for Endowments, High Court for the State of Telangana. [OUT]
5. Two C.D. Copies.

MRC



HIGH COURT

DATED:04/03/2021

ORDER

WP.No.4572 of 2021



DISPOSING OF THE WRIT PETITION

⑦ VW
18/3/21