

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
HYDERABAD**

**THE HON'BLE MS. JUSTICE M.G. PRIYADARSINI**

**CMA NO. 884 OF 2012**

28.03.2024

M. Rama Murthy and four others, rep. by Sri Immaneni Rama Rao     ... ***Petitioner***

**v.**

The Assistant Commissioner of Endowments, Hyderabad, rep. by Sri J. R. Manohar Rao, Standing Counsel for Endowments & Ors.

... ***Respondents***

**A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 — Eviction of Encroachers — §. 83 — Definition of ‘encroacher’ includes occupation without approval beyond lease termination — Respondents continued to occupy temple property after valid termination of tenancy — Adverse possession and continuing tenancy claims rejected — Building’s unsafe condition and unauthorized commercial use cited — Tribunal and appellate courts held respondents unauthorized occupants — Eviction orders upheld — Appeal dismissed.**

**HMC Act, 1955 — Eviction of unauthorized occupants — Premises found unsafe under §. 459 notice — One who seeks equity must do equity — Respondents’ continuing occupation after lease termination held unsustainable — Unauthorized commercial use and structural concerns justify eviction — Appeal dismissed.**

**FACTS.** The dispute revolves around allegations that the respondents’ predecessors had been long-standing tenants of temple property. The temple authorities contend that the lease was terminated and that the respondents refused to vacate despite repeated notices and demands. An application under Section 83 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 was filed, and the Tribunal declared the respondents encroachers, ordering their eviction. The respondents maintain that they hold longstanding possession, dispute the validity of termination notices, and deny default in rent. They appealed against the Tribunal’s order, claiming continued tenancy rights and objecting to the property’s unsafe condition being used as grounds for eviction. The building is old and allegedly converted to commercial use without authorization, prompting this appeal process.

**PRAYER.** Aggrieved by the Judgment (Award) dated 31.07.2012 (hereinafter will be referred as ‘impugned judgment’) in O.A.No.329 of 2010 (old No.80 of 2007 of D.C., Hyderabad) passed by the learned A.P. Endowments Tribunal at Hyderabad (hereinafter will be referred as “Tribunal”), the Opposite Parties filed the present Civil Miscellaneous Appeal to set aside the impugned judgment. Aggrieved by the

same, the respondent Nos. 2 to 5 have preferred the present appeal to set aside the impugned judgment.

### **ISSUES OF LAW.**

Whether respondents acquired adverse possession or continuing tenancy rights over the temple property; whether Section 83 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 applies to long-standing occupants; whether the eviction notices were validly served and enforceable; whether safety concerns and unauthorized commercial use justify eviction.

**SUMMARY.** Multiple appeals arose from eviction orders obtained by the temple authorities against occupants who stayed in the property after lease termination. The respondents claimed adverse possession or continuing tenancy and challenged the validity of termination notices. The authorities cited unauthorized commercial use and structural safety concerns, initiating proceedings under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987. The Tribunal and subsequent courts concluded that the respondents were encroachers, dismissed their appeals, and upheld eviction to protect public safety and ensure adherence to the temple's rights.

**HELD.** The court affirmed that the respondents must vacate the premises within a stipulated period, holding that the continued occupation was unauthorized. The building's unsafe condition and unauthorized commercial use were cited as grounds for eviction, and the appeal was dismissed.

**FINAL STATUS.** Dismissed.

### **CASES REFERRED**

Brij Narayan Shukla (died) through LRs vs Sudhesh Kumar alias Suresh Kumar (died) through LRs and others [2024 Live Law (SC) 17]

### **COUNSELS**

Sri Immaneni Rama Rao (for Appellants)

Sri J. R. Manohar Rao, Standing Counsel for Endowments (for Respondents)

**Judgment Pronounced on 28.03.2024**