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APHC010330272024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3330]
(Special Original Jurisdiction)

THURSDAY, THE 10th DAY OF SEPTEMBER 2026

PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.16687 of 2024

Between:

1. CHITTURU VENKATA SUBBA RAO, S/O LATE RAMA RAO, AGED ABOUT 75 YEARS, OCC-CULTIVATION, R/O SOMPALLY VILLAGE, RAZOLE MANDAL, DR.B.R. AMBEDKAR KONA SEEMA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, ENDOWMENTS DEPARTMENT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
2. THE COMMISSIONER, ENDOWMENTS DEPARTMENT, ANDHRA PRADESH, GOLLAPUDI, VIJAYAWADA.
3. THE DISTRICT ENDOWMENT OFFICER / ASSISTANT COMMISSIONER, ENDOWMENT DEPARTMENT, AMALAPURAM, DR.B.R. AMBEDKAR KONA SEEMA DISTRICT.
4. SRI LAXMI NARASIMHA SWAMY TEMPLE, REP BY ITS EXECUTIVE OFFICER ANTHARVEDI VILLAGE, SAKHINETIPALLY MANDAL, DR.B.R. AMBEDKAR KONA SEEMA DISTRICT.

...RESPONDENT(S):

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 a Writ of Mandamus or any other appropriate Writ Order or direction declaring the Impugned Proceedings No.A2/6798/2019 dated 29-06-2024, on the file of the District

Endowment officer/Assistant Commissioner, Endowment Department, Amalapuram, Dr.B.R. Ambedkar Konaseema District, as illegal, arbitraiy, malafide and violative of ricle 21 of the Constitution of India and issue consequential direction to the respondents to alienate the land Ac.2.10 Cts in RS No. 91/2A. 91/2B and 93/3 of Thatipaka village of Razole Mandal, Dr.B.R. Ambedkar Konaseema District in favour of petitioner.

Counsel for the Petitioner:

1. D KRISHNA MURTHY

Counsel for the Respondent(S):

1. KAPPERA KOTESWARA RAO SC for Endowments, AP Region.
2. GP FOR ENDOWMENTS

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.16687 of 2024

ORDER:

The writ of Mandamus is filed to declare the Impugned Proceedings No.A2/6798/2019 dated 29.06.2024 on the file of the District Endowment Officer/Assistant Commissioner Endowment Department, Amalapuram, Dr.B.R.Ambedkar Konaseema District, as illegal, arbitrary, mala fide and violative of Article 21 of the Constitution of India and issue consequential direction to the respondents to alienate the land Ac.2.10 cents in R.S.No.91/2A, 91/2B and 93/3 of Thatipaka village of Razole Mandal Dr. B.R.Ambedkar Konaseema District in favour of petitioner.

2. The writ petitioner herein filed a representation dated 14.11.2019 to recognise him as land less poor person. The said representation dated 14.11.2019 was rejected, vide impugned Proceedings No.A2/6798/2019 dated 29.06.2024 by the 3rd respondent Assistant Commissioner, holding that the petitioner was not a land less poor person, as the petitioner's income is more than 40,000/- per year and the petitioner has possessed a big tiled house in an extent of Ac.0.0825 cents in R.S.No.8/5, 8/5F deriving from the proceedings in Rc.No.B/1/2020 of Tahsildar Razole, *inter alia*, relying on Exception to

Section 82 (2) of the A.P. Charitable Hindu Religious Institutions and Endowment Act 30 of 1987 (for short, hereafter called as ‘Act 30 of 1987’), it is gainful to extract the said explanation:

> Explanation. - For the purpose of this sub-section 'landless poor person' means a person whose total extent of land held by him either as owner or as cultivating tenant or as both does not exceed 1.01,1715 hectares (two and half acres) of wet land or 2.02,3430 hectares (five acres) of dry land and whose monthly income other than from such lands does not exceed thousand rupees per mensum or twelve thousand rupees per annum. However, those of the tenants who own residential property exceeding two hundred square yards in Urban Area shall not be considered as landless poor for the purpose of purchase of endowments property.] *[Substituted by Act No. 27 of 2002, dated 21.12.2002.]*

3. According to the explanation, when an income exceed Rs.1,000/- per mensum or Rs.12,000 per annum shall not be considered as landless poor person.

4. In the affidavit filed in support of the Writ Petition, it is asserted that when the endowment authorities tried to disturb the possession,

petitioner's father filed suit O.S.No.31 of 1978 on the file of Subordinate Judge, Razole, and the Court has decreed the suit, vide Judgement and Decree dated 16.01.1989, and declared the father of the petitioner as the cultivating tenant of land in Sy.Nos.91/2A, 91/2B, and 93/3 to an extent of Ac.2.10 cents and another suit O.S.No.92 of 2003, the Principal Junior Civil Judge Court also declared that the petitioner is entitled to purchase the land. While the above suit is pending, the respondents have withdrew the O.A.No.117 of 2003 on the file of Deputy Commissioner of Endowment, which is filed for eviction of the petitioner and later the 3rd respondent issued notices dated 29.08.2003 and 19.09.2003 under Rule 5 of the A.P.Charitable Hindu Religious Institutions and Endowments Lease of Agriculture and Lease Rules, 2003 (for hereafter refer as 'Lease Rules 2003') to purchase the subject land @75% of the market value and the petitioner has consented. Later the 3rd respondent has got enquired about the status of land less poor to purchase the land and rejected the claim, vide order dated 02.07.2007 in M.A.No.1425 of 2007. Against the said order an appeal was filed and the Appeal No.25 of 2008 was rejected by the Regional Joint Director, as a result, the petitioner filed W.P.No.7903 of 2009, vide order dated 03.02.2009, challenging the appellate order and the common High

Court of Andhra Pradesh has allowed the writ petition by an order dated 10.10.2018, holding that the petitioner is land less poor person with a rider permitting the 3rd respondent to verify whether the petitioner is still continuing as a land less poor person as on date or not. Basing upon the order in writing, petitioner filed an application on 14.11.2019 under Section 82(2) of Act 30 of 1987 and the 3rd respondent Assistant Commissioner has declared through impugned proceedings dated 29.06.2024 that the petitioner is not less person.

5. The said impugned order dated 29.06.2024 is under challenge in the present writ petition on the grounds that the 3rd respondent Assistant Commissioner has not followed the procedure that laid down under sub-rule (3) of Rule 4 of the Rules issued in G.O.Ms.No.866, Revenue (Endts.1) Department, dated 08.8.2003, and no notice was issued to the petitioner and further stated, without any basis and evidence, that petitioner is declared not a land less poor, earning more than Rs.40,000/- per annum and relied on the order **Guthikonda Raghava Reddy, Vs. State Of Andhra Pradesh and other reported in 2025 (2) ALD 562 AP, a Coordinate Bench of this Court has set aside** G.O.Ms.no.425 dated 9.11.2015, holding that the existing rights

cannot be taken away by giving retrospective effect to a statutory provision, unless it expressly or by necessary implication provided so.

6. On the other hand, the learned Standing Counsel, in support of the order, stated under sub-rule (3) of Rule 3 of Lease Rules 2003, the status of land less poor shall be reviewed for every three years as per the Amendment to the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003, under G.O.Ms.No.425 Revenue (Endowments.I), 9th November 2015, (for short, hereinafter referred as 'Rules-2003') and relied on the proviso appended to sub-rule 3 of Rule 3, which reads thus:

> Provided the status of every Land Less Poor tenant shall be re-examined once every three years and appropriate orders shall be passed by the Assistant Commissioner having territorial jurisdiction as the economic status of any person is not a constant. It is equally applicable to cases where persons already declared as Landless poor tenants shall also be reviewed once every three year henceforth. The petitioner income is more than 40,000/- per annum and also the petitioner has possessed a tiled house in an extent of Ac 0.0825 cents and the respondents have issued notice. And the petitioner is found that he is not a land less poor person as he is earning more than Rs. 40,000/— per annum.

7. POINT FOR CONSIDERATION:

It is imperative to extract some relevant provisions and rules for effective disposal of the writ petition:

> Explanation to Sub-Section (2) of Section 82 defines land less poor: For the purpose of this sub-section 'landless poor person' means a person whose total extent of land held by him either as owner or as cultivating tenant or as both, does not exceed 1.01,1715 hectares (two and half acres) of wet land or 2.02,3430 hectares (five acres) of dry land and whose monthly income other than from such lands does not exceed one thousand rupees per mensum or twelve thousand rupees per annum. However, those of the tenants who own residential property exceeding two hundred square yards in Urban Area shall not be considered as landless poor for the purpose of purchase of endowments property.] *[Substituted by Act No. 27 of 2002, dated 21.12.2002.]*
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> Rule 3 of lease rules 2003 also determines Landless Poor Person:-
>
> **Determination of Landless poor person**:- (1) Immediately after coming into force of these rules, if any cultivating tenant claims to be a landless poor person, the Assistant Commissioner having territorial Jurisdiction shall enquire into and decide whether the cultivating tenant is a landless poor person as defined in Section 82 after giving

a reasonable opportunity to the cultivating tenant and to the Executive Authority of the concerned institution or Endowment.

(2) If the cultivating tenant does not claim to be a landless poor person or if the Assistant Commissioner concerned determines that the cultivating tenant is not a landless poor person, the tenancy will be deemed to have been cancelled with effect from 28.5.1987 and the cultivating tenant shall be regarded as a tenant holding over thereafter.

[(3) Notwithstanding anything contained under sub-rule (2), where a small farmer, being a lessee is holding land in excess of Ac.0.25 cents wet land or Ac.0.50 cents of dry land over and above the ceiling limits of Ac.2.50 cents wet land or 5.00 acres dry land respectively, they may be allowed to continue in lease subject to payment of 2/3rd of prevailing market rent and excess land if any more than the above limits shall be taken over by the institutions and such piece of land shall be put in Public Auction for lease.]

[Provided the status of every Land Less Poor tenant shall be re-examined once every three years and appropriate orders shall be passed by the Assistant Commissioner having territorial jurisdiction as the economic status of any person is not a constant. It is equally applicable to cases where persons already declared as Land Less Poor

tenants shall also be reviewed once every three years henceforth.]

8. On conjoint reading of the explanation appended to Section 82(2) and sub-rule (2) of Rule 3 of Lease Rules 2003, clearly envisages that a person who has been in actual possession of the lands as lessees of the Endowment Institutions at the time of the Act come into force would be entitled for the benefit of the of being declared as landless poor person. Not the legal heirs of the tenant. The Section doesn't inure to the legal heir of the cultivating tenant as land less poor person.

9. A learned Single Judge of common High Court of A.P at Hyderabad in the case of **Merla Venkateswara Rao v. Regional Joint Commissioner, Multi Zone-I, Endowment Department and Ors., reported in 2018 (4) ALT 655 Bandela Peda Satyam Vs. Regional Joint Commissioner, Midti Zone-I, Endowment Department, Kakinada and Ors.**, reported in 2018 (5) ALD 247 *wherein it was held that "only the persons who were in actual possession of the lands as lessees of the Endowment Institutions at the time of the act coming into force would be entitled for the benefit of being declared as landless poor persons*."

10. Whether a legal heir of the cultivating tenant can be considered as land less poor person. No, Rule 9(f) of the Agricultural Lands Rules, 2003 strictly forbids it. Rule 9(f) of Agricultural Lands Rules, 2003 specifies that in which legal heirs to the landless poor persons are to be dealt with. The Rule 9(f), after amendment by way of G.O.Ms.No.425, Rev.(Endt.I) Dept., dated 09.11.2015 reads as follows:

> "The lease is not transferable. However, in the event of the death of the lessee, with the prior permission of the Executive Authority; his legal heirs may enjoy the lease for the balance period on the same terms. The lessee cannot grant a sublease and if granted, it shall be regarded as void. However, in exceptional circumstances, where landless poor persons are actual cultivators of the land, the particulars have to be recorded in the temple land records so as to recognize them as lessees for the balance period".

11. Rule 9 (f) stipulates that where a landless poor person dies during the existence of a lease, the said lease would be continued in favour of the legal heirs of the said landless poor persons for the remaining term of the said lease. The Act is silent, on whether the descendants of these individuals qualify for landless poor status, however, the children of

cultivating person do not inherit the status of a landless poor person. [See the order in WP 14504 of 2021 dated 28.07.2021].

12. The legal heir of the cultivating tenant may continue to cultivate the land for any as tenant holding over for any remaining balance of the lease period. It applies only to the heir of the landless poor person is the actual cultivator of the land, where the legal heir of the landless poor person is the actual cultivator of the land, and the particulars have to be recorded in the temple land records, so as to recognise as lessee. However, the legal heir cannot claim independent status as landless person; the right is strictly limited to cultivate the land for the remaining lease period.

13. The petitioner has asserted in the affidavit filed in support of the writ petition that his father is the cultivating tenant of the 4th respondent temple, petitioner herein is not the cultivating tenant, the father of the petitioner who previously filed suit O.S.No.31 of 1978 on the file of Subordinate Judge, Razole, the Court has declared the father of the petitioner as cultivating tenant, vide Judgement and Decree dated 16.01.1989. As the petitioner is not the cultivating tenant, he cannot claim status as a land less poor person being the son of the cultivating

tenant. The children of the cultivating tenant cannot claim land less poor person status.

14. Therefore, the writ petition is devoid of merit and, accordingly, it is dismissed. There shall be no order as to costs.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 10.09.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.16687 of 2024

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