

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.11047 of 2010

ORDER:

This writ petition is filed seeking the following relief/s:

'...to issue a writ in the nature of a Writ of Mandamus or any other appropriate writ, direction, order or orders declaring the action of the Respondents without disposing the Petitioners of Representation dt:28.04.2010 as per the terms of section 82(2) of the Act 30 of 1987 proposing to auction on 06.05.2010 the lease hold Rights of the Petitioners possession lands an extent of Ac.2.00 in Sy.No.367 of the 1st Petitioner and land an extent of Ac.2.00 in Sy.No.367 of the 2nd Petitioner situated at Kanekallu Village & Mandal, Anantapur District and also land an extent of Ac.4.72 cts in Sy.No.1076, 1977 of Kanekallu Village & Mandal, Anantapur District are arbitrary, illegal and violation of sections 82, 83 & 84 of Act 30 of 1987 and consequently direct the Respondents not into disposes the Petitioners from their respective possessive lands i.e., an extent of Ac.2.00 in Sy.No.367 of the 1st Petitioner and land an extent of Ac.2.00 in Sy.No.367 of the 2nd Petitioner situated at Kanekallu Village & Mandal, Anantapur District and also land an extent of Ac.4.72 cts in Sy.No.1076, 1077 of Kanekallu Village & Mandal, Anantapur District without determining the eligibility as per section 82(2) of Act 30 of 1987 and pass such other'

[Reproduced verbatim]

I have heard the submissions of the learned counsel for the writ petitioners and the learned Standing Counsel appearing for the 2nd respondent Group of Temples.

The learned counsel for the writ petitioners would submit that the writ petitioners are prepared to vacate the subject lands in the respective occupations of the petitioners, however, by the end of 31st March, 2016 and that they may be permitted to continue in the possession of the respective leasehold lands till then and that recording the said

submission, the writ petition may be disposed of giving liberty to the 2nd respondent Group of Temples to auction the leasehold rights of the subject lands in the occupations of the petitioners in strict accordance with the procedure established by law, however, permitting the petitioners to participate in such auction as and when held.

The learned Standing Counsel for the 2nd respondent Group of Temples gives consent for passing such an order as such a course would be in the interests of both the parties.

Having regard to the submissions of the learned counsel, the Writ Petition is disposed of directing the 2nd respondent Group of Temples, if it so desires, to conduct, after 31.03.2016, a public auction of the leasehold rights of the subject lands in the respective occupations of the writ petitioners by issuing an appropriate notification and to proceed with the auction in strict accordance with the procedure established by law. It is made clear that the petitioners would also be entitled to participate in the public auction as and when held and that the petitioners are entitled to be in occupation of the respective subject lands only till the lease agreements are entered into with the highest bidders in the public auction, and not thereafter, in case third parties become the successful bidders and not the petitioners. No costs.

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

M. SEETHARAMA MURTI, J

11.12.2015

Vjl