

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No. 24428 OF 2014

ORDER :

This writ petition is filed seeking writ of mandamus declaring the tender cum auction notification dated 11.08.2014 in so far as relating to the conducting of lease hold rights for the dry land leased out in favour of the petitioners in Sy.No.178/1, admeasuring Ac.2.28 cents dry (Ac.1.14 cents dry each) out of Ac.3.28 cents dry situated at Penta Vellage, Padmanabha Mandal, Visakhapatnam District as illegal and arbitrary and consequently to declare that the petitioners are entitled for leasehold rights of the said land as landless poor persons.

2. It is the case of the petitioners that there are two Ammavari Temples i.e.,1) Pyditalli Ammavari Devasthanam and 2)Bangarammavari Temple in Penta Village, Padmanabha Mandal, Visakhapatnam District. The petitioners' father was leased out an extent of Ac.1.14 cents of dry land out of Ac.3.28 cents in Sy.No.178/1 belonging to the Pyditalli Ammavari Temple in the year 1967 and that lease amount was being collected by the elderly persons in the village, as there was no Executive Officer appointed for the temples till the year 2009. It is stated that the leasehold rights were conferred in favour of the 2nd petitioner for an extent of 1.14 cents out of Ac.3.28 cents and by virtue of the same, the petitioners are continuing in the above said land.

3. It is stated that in the year 2006, the Assistant Commissioner of Endowments, Visakhapatnam issued notices in Rc.No.A1/1311/2006 and Rc.No.A1/1312/2006 dated 10.04.2006 calling upon them to submit the relevant certificates/documents proving that they are landless poor persons. In response to the same, petitioners submitted relevant certificates. Again in the year 2010, the petitioners were directed to

make representations along with documents for declaring them as landless poor persons. It is stated that the petitioners made representation to the Assistant Commissioner of Endowments, Visakhapatnam on 15.07.2010 along with relevant certificates and again on 24.07.2014, but till date, no orders are passed on the representations of the petitioners declaring the petitioners as landless poor persons.

4. In the meanwhile, the Manager of the 4th respondent Temple has distributed pamphlets for auctioning the leasehold rights in respect of the said land fixing the auction date as 26.08.2014. Aggrieved by the same, the present writ petition is filed.

5. Heard learned counsel for the petitioners as well as learned Standing Counsel for the 4th respondent.

6. When the matter has come up for admission on 25.08.2014, this Court has issued notice before admission and passed interim order granting stay of confirmation of the auction.

7. The Learned Standing Counsel for the 4th respondent states that the applications of the petitioners for declaration that they are landless poor persons have been rejected in the year 2013 and that the said orders have not been served on petitioners. Now, learned counsel for the 4th respondent states that the applications are still pending with the respondents, but due to lack of communication by mistake above submission was made.

In view of the same, the 3rd respondent is directed to dispose of the applications of the petitioners in respect of declaration that they are landless poor persons within a period of four weeks from the date of receipt of a copy of this order. Till then, the auction held in pursuant to auction notification dated 11.08.2014 shall not be confirmed and in case petitioners succeeds auction shall automatically stand set aside, otherwise respondents may take further action for confirmation of

auction in accordance with law.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in this writ petition, shall stand closed.

20.01.2015.

KVS

A.RAJASHEKER REDDY, J

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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