

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6636 OF 2015

ORDER:

This petition is filed for issuance of a writ of *Mandamus* declaring the action of the 2nd respondent in not disposing of the application dated 23.02.2015 for extension of lease in respect of land in an extent of Ac.31.14 cents in Sy.Nos.735 and 736, as the standing crop of Jamail trees was existing in the said land, situated at Boddikurapadu Village, Talluru Mandal, Prakasam District, as illegal, arbitrary and violative of principles of natural justice and consequently to direct the 2nd respondent to dispose of the said representation.

The case of the petitioners is that they were granted leasehold rights of the above said land belonging to the 3rd respondent temple-Sri Madhava Swamy Devasthanam for the periods 2011-2014 and they harvested Jamail trees in the said land. While so, the 3rd respondent issued publication for grant of lease hold rights in respect of the above land for the periods 2014-2017 and the public auction would be conducted on 18.06.2014. As the Jamail trees exist in the said land, the petitioners requested the respondents orally to extend the lease period, but no action has been taken. The petitioners earlier filed W.P.No.16494 of 2014, challenging the public auction, which was going to be conducted on 14.07.2014. As respondent No.3 postponed the said auction, the petitioners withdrew the above writ petition with liberty to file fresh a writ petition. Later W.P.No.23539 of 2014 was filed and the same was disposed of on 19.02.2015, permitting the petitioners to harvest the crop but held that the auction can be conducted. In pursuance of the order of this Court, the 3rd respondent has conducted auction. Though 46 members participated in the auction, nobody deposited the bid amount as per condition No.4 of the public auction notice. Hence, the petitioners made an application dated 23.02.2015 to the 2nd respondent to extend the lease, but no action has been taken by the 2nd respondent. Aggrieved by the same, this writ petition is filed.

Heard the learned counsel for the petitioners, learned Government Pleader for Endowments, appearing for respondent Nos.1 and 2 and Sri A.Srikanth Reddy, learned Standing Counsel appearing for respondent No.3.

Learned counsel for the petitioners submits that under Rule 8 of A.P.Charitable Hindu Rules, 2003, the Commissioner has power to extend the lease. A Writ Appeal, which is preferred against W.P.No.23539 of 2014 is pending before the Division Bench.

On the other hand, the learned Standing Counsel appearing for respondent No.3 submits that petitioners filed W.P.No.23539 of 2014 for a direction not to conduct lease hold rights in respect of the land occupied by the petitioners and this Court while directing the respondents to conduct auction permitted the petitioners to harvest the crops and in pursuance of the said order, auction was held and the petitioners are not emerged as successful bidders. He further submits that as the petitioners have not harvested the crop, the auction purchaser has not deposited the bid amount. Now, the petitioners again filed the present writ petition for extension of lease. Once auction is held, question of extension of lease does not arise.

This Court disposed of W.P.No.23539 of 2014 vide its order dated 19.02.2015. It reads as under:

“..the 3rd respondent-temple is directed to permit the petitioner to harvest eucalyptus trees raised by them in the lands sought to be auctioned. However, it is left open for the 3rd respondent-temple to auction the lands scheduled to be held on 28.02.2015 as per the notification issued on 15.02.2015 and in case the lease hold rights of the lands is awarded in favour of third parties, the petitioners may be continued till the auction proceedings are finalised and permit the petitioners to harvest eucalyptus trees raised by them and in case the petitioners become the successful bidders in the said auction, they will be continued as such.”

In pursuance of the said order, the 3rd respondent has already conducted auction and successful bidder has quoted Rs.8 lakhs. Hence, this Court cannot direct the Commissioner to consider the representation of the petitioners, since public auction is already held. It is not the case of the petitioners that any infirmities

are found in the auction conducted by the 3rd respondent. As the petitioners have not harvested the crop, the auction purchaser could not deposit the amount.

In view of the same, I do not find any merits in this writ petition.

Accordingly, this writ petition is dismissed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

13.04.2015

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