

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11684 OF 2010

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 3rd respondent to conduct public auction on 24.05.2010 in respect of lands to an extent of Ac.5.87 cents in Sy.No.172/1, Katravulapalli, Jaggampeta Mandal, East Godavari District, though the applications submitted by petitioners seeking to declare them as landless poor, are pending, as illegal and arbitrary.

The case of the petitioners is that they have been cultivating an extent of Ac.5.87 cents of wet land in Sy.No.172/1 of Katravulapalli Village, belonged to the 3rd respondent since 1984. Originally petitioners' father became the highest bidder in the auction conducted on 18.07.1979, and after his death on 11.12.1983, the petitioners started cultivating the lands to the knowledge and with the permission of the 3rd respondent by paying necessary rents. While so, when the 3rd respondent tried to resume the lands, the petitioners were constrained to file WP.No.10644 of 2003 and the same was disposed of with certain directions on 11.06.2003 and accordingly the petitioners made an application dated 20.07.2003 to the 2nd respondent to declare them as land less poor as per Sec.82 of the A.P.Charitable & Hindu Religious Institutions and Endowments Act, 1987 (*for short 'the Act'*). But, so far no enquiry was conducted on the same. While the things stood thus, the 3rd respondent came to the subject lands on 10.05.2010 along with his staff and directed the petitioners to vacate the subject lands immediately. Thereafter, when the petitioners enquired the 3rd respondent, the petitioners came to know that the 3rd respondent is proposing to conduct auction for grant of lease hold rights of the subject lands which is in occupation of the petitioners. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioners and Smt.K.Lalitha, learned Standing Counsel for the 3rd respondent.

This Court on 20.05.2010, while admitting the writ petition directed the 2nd respondent to consider the representation of the petitioners and pass appropriate orders and further directed that the auction, if any held in the meanwhile, shall not be confirmed.

Now, basing on the counter affidavit, Smt.K.Lalitha, learned standing counsel for the 3rd respondent submits that except Petitioner No.1, other petitioners i.e., petitioners 2 to 6 have nothing to do with the subject lands and that the 1st petitioner's case was considered basing on the interim direction granted by this Court on 20.05.2015 and the 1st petitioner was declared as land less poor person by virtue of Section 82 of the Act and continuing as such.

In view of the aforesaid submission, both the counsel agreed that the writ petition can be disposed of recording the aforesaid submission.

Accordingly, the writ petition is disposed of recording the aforesaid submission made by the learned counsel for the 3rd respondent. 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

09.10.2015

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