

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.37310 OF 2015

DATED:18-11-2015

Between:

Vudata Suresh

and others ... Petitioners

And

Sri Chennakesava Swamy Devasthanam

Epuru Village, Muthkur Mandal

PS Nellore District

Rep. by its Executive Officer

and others ... Respondents

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. M. Vidyasagar

COUNSEL FOR RESPONDENT NO.1 : Mr. A. Srikanth Reddy

COUNSEL FOR RESPONDENT NOS.2, 3 & 6: A.G.P. for Endowments (AP)

COUNSEL FOR RESPONDENT NO.4 : A.G.P. for Revenue

COUNSEL FOR RESPONDENT NO.5 : Mr. P. Roy Reddy,

Standing Counsel for A.P.I.I.C

THE COURT MADE THE FOLLOWING:

ORDER:

-

This writ petition is filed for a mandamus to declare the action of the respondents in not auctioning the leasehold rights of about Ac.90.63 cents of the land in Sy. Nos.290, 298, 299, 300, 301, 304, 305, 307, 315, 316 etc., of Epuru Village, Muthkur Mandal, Nellore District, as illegal and arbitrary.

The necessity of detailed discussion is obviated for the reason that in an earlier writ petition filed by another set of tenants of respondent No.1 temple, this Court by its order dt.11.3.2014 in W.P. No.29547 of 2010 held that interference by the District Collector with the powers of respondent No.1 temple qua the administration of its properties, is without jurisdiction and accordingly set aside order dt.4.11.2010 of the District Collector requesting the Government to direct the Assistant Commissioner, Nellore, to stop conducting auctions for various endowment lands including that of respondent No.1 temple.

Thereafter, auction was conducted in which the petitioners emerged as highest bidders as a result of which they were allowed to cultivate the lands. The lease period granted to the petitioners expired on 31.10.2015. As respondent No.1 failed to conduct fresh auction, the petitioners filed this writ petition.

Mr. A. Srikanth Reddy, learned counsel appearing for respondent No.1 submitted that as there are proposals for acquiring the lands for public purpose in connection with the activities allied to Krishnapatnam Port, the lands are not auctioned.

In my opinion, the properties of respondent No.1 cannot be allowed to be kept idle in anticipation of a future event. While respondent No.5, which is stated to be interested in acquiring the lands of respondent No.1, cannot be prevented from getting the lands acquired in accordance with law, till the process of acquisition is completed it is not desirable to keep the lands of respondent No.1 idle.

Therefore, respondent Nos.1 and 3 are directed to put the leasehold rights of the lands belonging to the former to auction within one month from the date of receipt of this order. The petitioners are permitted to participate in the auction along with others. The continuance of the petitioners over the lands in their respective occupation depends upon the result of the auction. If the petitioners emerge as highest bidders they shall be allowed to be continued and in converse case respondent No.1 is entitled to put the highest bidders into possession and in such an event, the petitioners shall handover the vacant possession to respondent No.1 without any demur. It is, however, made clear that respondent Nos.1 and 3 shall stipulate in the auction notice a condition that the leases shall be subject to the acquisition proceedings that may be initiated in respect of the leased lands.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.48015 of 2015 shall stand disposed of as infructuous.

---

C.V. NAGARJUNA REDDY, J

18-11-2015

bnr