

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION Nos.10955 and 10985 of 2015

COMMON ORDER:

Questioning the action of the 4th respondent temple in issuing notification dated 20.03.2015 for conducting open auction for grant of leasehold rights in respect of various extents of lands in Sy.Nos.419, 420/1 and 423 of Pekeru Village, K. Gangavaram Mandal, East Godavari District, the petitioners filed the present writ petition.

According to the petitioners, they are the owners and possessors of various extents of lands in the aforementioned survey numbers and they have been granted pattadar passbooks in respect of the said lands and continuing in possession of the same. It is their case that the 4th respondent temple has no right whatsoever over the subject lands and that without issuing any notice and following due procedure, it has issued the impugned notification for auctioning the leasehold rights of their patta lands, which is unsustainable.

Heard the learned counsel for the petitioners and Smt. K. Lalitha, learned Standing Counsel for the 4th respondent.

Smt K. Lalitha, learned Standing Counsel, submits that the subject lands are registered under Section 43 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') and as such, the 4th respondent temple is entitled to conduct auction in respect of the said lands. She further states that the 4th respondent will follow due procedure and then only auction will be finalized.

In support of their contention that they are the owners and possessors of the subject lands, the petitioners have filed photocopies of pattadar passbooks issued in their favour. The fact that the petitioners are continuing in possession of the subject lands is not in dispute. Even if the respondent authorities claim right over the subject lands on the ground of registration under Section 43 of the Act, unless

and until the petitioners are evicted and possession of the subject lands is recovered by following the procedure envisaged under law, the authorities cannot proceed with the auction.

In the circumstances, it is directed that the respondents shall not proceed with the auction in respect of the subject lands in pursuance of the impugned auction notification, unless and until the possession of the subject lands is recovered from the petitioners by following due process of law.

With the above direction, the writ petitions are disposed of. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

A. RAJASHEKER REDDY, J

21st April, 2015
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