

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 13673 OF 2015

ORDER:

An extent of Ac. 1.38 cents in R.S.No. 78 and an extent of Ac. 2.39 Gts in R.S.Nos. 80 & 81 of Aginaparru Village, Pamidimukkala Mandal, Krishna District, was leased to the petitioner in pursuant to the auction conducted in the year 2009 for a period of three years. This lease was extended by one year. During the extended period of lease, the petitioner has grown sugarcane crop. This Writ Petition is instituted challenging the auction notification dated 10.4.2015, which was postponed to 02.5.2015 vide its common notice dated 22.4.2015 issued by respondents 4 & 5, on the ground that the petitioner raised sugarcane crop, which is two years duration to give proper yield and unless the lease is extended till February 2016, the petitioner cannot reap the proceeds of the sugarcane crop.

2. Having regard to the fact that lease period has already expired and the petitioner was on extension of lease period, it cannot be said that the respondent authorities have committed illegality in the procedure followed by them.

3. Having regard to the fact of growing sugar cane crop the petitioner was directed to file an affidavit stating clearly that he would vacate the subject lands immediately after completion of harvest period i.e., by the end of February 2016 on payment of all amounts due to the respondent-Temple.

4. The petitioner filed an affidavit bearing USR No. 17676 of 2015, wherein he has categorically stated that the petitioner would be vacating the subject lands and handing over the possession by

the end of February 2016 and also gave an undertaking that he would abide by the conditions set forth by the Court with regard to the lease amount payable.

5. While granting time to the petitioner by order dated 12.8.2015 this Court observed that the petitioner ought to agree for payment of 33 1/3% more than the amount as agreed upon earlier.

6. Having regard to the categorical undertaking given by the petitioner and in view of the fact that the petitioner is growing sugarcane crop, which is two years tenure for getting yield, the petitioner is permitted to continue to hold lease of subject land till February, 2016. The respondent-Temple shall enter into an agreement with the Sugar Factory of Vuyyuru of KCP Sugar and Industries Corporation Limited and shall receive lease amount directly from the sugar factory. The respondent-Temple is entitled to claim lease amount with an increase of 33 1/3% more than the agreed lease amount. Subject to payment of all the amounts due, the petitioner is entitled to hold the subject land on lease till the end of February 2016.

7. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

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

P.

NAVEEN RAO, J

Date: 15.09.2015

KA