

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.17904 of 2015

Dated : 26.06.2015

Between:

Medari Kotamma W/o.Medari Veeraiah,
Aged 48 yrs, Srinivasapuram Village,
Huzurnagar Mandalam, Nalgonda District & another

.. Petitioners

And

The State of Telangana,
Rep., by the Principal Secretary,
Endowments Department,
Secretariat Buildings,
Secretariat, Hyderabad & 4 others

.. Respondents

This Court made the following :

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ORDER :

The petitioners and 22 others are the poor landless schedule caste people who are residents of Srinivasapuram Village, Nalgonda District. They contend that they took the lands on lease to an extent of Ac.46.00 in Sy.No.527/1 of the said village, in the year 1989 which is dry and poromboke in nature. They have developed the lands by spending huge amounts and now eking out their living by cultivating the said lands. When their possession was sought to be disturbed by the respondents, the petitioners complained to the Commissioner of Endowments, as well as National Commission for Scheduled Castes. On their complaint, the National Commission for Scheduled Castes issued orders on 01.12.2011 directing the 1st respondent to identify the alternate lands in the same village or nearby villages, so that the 23 families can be allotted the lands on lease basis. It is further directed that they should also be given another opportunity to appear for auction after two years. Alleging non-compliance of the said directions, and proceeding to conduct auction vide notification dated 09.06.2015, this writ petition is filed.

2. Learned Standing Counsel representing the 5th respondent submits that the auction notification indicates only Ac.24.00. Whereas, the total extent owned by the temple is Ac.50.00 of which Ac.47.00 is cultivable lands and the petitioners are in possession of only Ac.23.00. When the petitioners are in possession of only Ac.23.00 and not in possession of remaining extent of land belonging to the temple, they cannot obstruct from holding auction and what is proposed to be auctioned is only the remaining extent i.e., Ac.24.00 of land.

3. Learned Counsel for the petitioner does not dispute the fact that the petitioners are in possession of only Ac.23.00 and as long as their possession is not disturbed, the petitioners have no objection in conducting the auction as proposed by notification dated 09.06.2015.

4. Having regard to the said submission, this Writ Petition is disposed of granting liberty to the respondents to complete the auction process as initiated by way of auction notification dated 09.06.2015. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

26th June, 2015

Rds