

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.14652 OF 2011

ORDER:

This writ petition is filed seeking writ of mandamus declaring the auction notice issued by the 5th respondent dated 20.05.2011 to conduct auction of leasehold rights of the land in his possession i.e., Sy.No.42/1 to an extent of Ac.4.81 cents of land of Chidipi village, Kovvur Mandal, West Godavari District, belonging to the 5th respondent as illegal, arbitrary and contrary to the provisions of Section 82 of the Endowments Act and the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 (for short 'the Rules of 2003') and consequently to direct the respondents to continue him as the lessee of the subject land.

2. Heard Sri N.Subba Rao, learned counsel for the petitioner and Smt. K.Lalitha, learned Standing Counsel for the 5th respondent.

3. Learned counsel for the petitioner submits that though the petitioner is paying rents regularly, still the 5th respondent issued impugned auction notice and without following due process of law, they are trying to evict the petitioner from the subject property.

4. On the other hand, Smt. K.Lalitha, learned Standing Counsel for the 5th respondent submits that the auction notice was issued for the purpose of grant of lease for a period of three years i.e., from 2010-11 to 2012-13, as such, the cause in the writ petition does not survive for consideration. She also submits that as per the orders of this Court on 31.05.2011, this respondent issued notice in Form No.I under Rule 5(1) of the Rules of 2003 to the petitioner.

5. While ordering notice before admission on 31.05.2011, this Court granted interim order as follows:

“Notice before admission.

The learned Government Pleader for Endowments takes notice for respondent Nos.1 to 4 and Sri V.T.M.Prasad, learned Standing Counsel for Endowments, takes notice for respondent No.5. Both the learned counsel seek two weeks’ time for filing counter affidavit.

List the writ petition for admission after two weeks.

There shall be interim stay of dispossession, for a period of three weeks. This order shall not however preclude the respondents from issuing notice in Form-I as prescribed under Rule 5(1) of the A.P.Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003, and thereafter taking action in accordance with law.”

A perusal of the interim order dated 31.05.2011 shows that the respondents were given option to issue notice as per Rule 5(1) of the Rules of 2003 to the petitioner and thereafter take action accordingly. Since the period mentioned in the auction notification was only for a period of three (3) years, that part of the prayer becomes infructuous and moreover, nothing survives for consideration in this writ petition.

Accordingly, this writ petition is disposed of in terms of the interim order dated 31.05.2011. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

09.10.2015

kvs

THE HON’BLE SRI JUSTICE A.RAJASHEKER REDDY

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