

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.25332 of 2015

Between :

Bullpe Narayanamurthy and others.

..

Petitioner

and

The State of Andhra Pradesh, rep.by its Principal
Secretary, Endowments Department and others.

..

Respondents

DATE OF JUDGMENT PRONOUNCED : 11-08-2015

-
SUBMITTED FOR APPROVAL:

-

-

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-

-

-

1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25332 of 2015

ORDER :

1. The petitioners claim to be the landless poor persons and they are eking out their livelihood by obtaining lands on lease from the 4th respondent-temple in Sy.Nos.341, 792, 246, 251, 239, 188 and 182 to an extent of Ac.02-27 cents, Ac.07-20 cents, Ac.03-84 cents, Ac.01-20 cents, Ac.02-14 cents, Ac.11-15 cents and Ac.20.52 cents respectively situated at Dharmavaram Village, Prathipadu Mandal, East Godavari District and they have been in cultivation and enjoyment and have been paying lease amounts regularly. This writ petition is filed challenging the notification dated 01-08-2015 issued by the respondent-temple to conduct public auction to grant leasehold rights on the total extent of 48.96 cents including the land in possession of the petitioners. The petitioners contend that since they are in possession and enjoyment and has been paying lease amount, without following due process as mandated by Section 82 of A.P.Endowments Act, 1987, the question of conducting auction does not arise. The lands ought to have been recognized in favour of the petitioners without conducting open auction. It is contended by the learned counsel for the petitioners that as the petitioners have come from lower strata of society and had no other lands to live, if these lands are not given to them for cultivation, they would suffer irreparable loss.

2. As seen from the affidavit filed in support of the writ petition and material papers enclosed, there is no proof to show that the lease was granted to the petitioners after following due process and that they are in possession and enjoyment. There is no material to show that the petitioners are in possession and cultivating the land by paying lease amounts to the temple regularly. In the absence of crucial material, declaration as sought for by the petitioners cannot be granted. However, it is represented by the counsel for the petitioners that the petitioners have submitted representation for renewal of lease and a direction be issued to the respondent-temple to dispose of the said representation. But no such representation is filed except making oral statement by learned counsel.

3. Having regard to the above, I do not see any illegality or irregularity on the

part of respondent-temple in conducting public auction to grant leasehold rights. Admittedly, subject land belongs to the respondent-temple and temple is entitled to grant leasehold rights. Even assuming that the lease was granted to the petitioners and they are in possession and enjoyment of the lands, there is absolutely no bar on the respondent-temple to go for fresh auction if lease period is over. As noted above, no material is filed to show that the petitioners are in possession and there is subsisting lease validly granted to them and therefore, no open auction to grant lease can be conducted during the subsistence of lease. Thus, there is no merit in the writ petition.

4. Accordingly, the writ petition is dismissed. However, dismissal of the writ petition do not come in the way of petitioners participating in the public auction to grant lease of the said lands belonging to the respondent-temple proposed to be conducted on 12-08-2015. It is needless to observe that if the petitioners have submitted any representation, the same shall be considered by the concerned authorities as expeditiously as possible and before finalizing the auction proceedings. There shall be no order as to costs.

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

11-08-2015
nvl

P.NAVEEN RAO,J