

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

**WEDNESDAY, THE SEVENTH DAY OF OCTOBER TWO THOUSAND AND
FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.32627 of 2015

Between:

Sri Penumarthy Ramanadham,
S/o. P. Ramaiah, Aged 48,
R/o.1-124, K. Illindrapadu Village,
Irgavaram Mandal,
West Godavari District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Prl. Secretary,
Endowments Department,
Secretariat Buildings, Hyderabad & 3 others
.. Respondents

The Court made the following:

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ORDER:

The petitioner is a leaseholder of the land to an extent of Ac. 0.36 cents in R.S.No.2/1 and Ac. 0.11 cents in R.S.No.1/1 of K. Illindraparru Village, Irgavaram Mandal, West Godavari District, belonging to the respondent temples. The petitioner is served with notice, dated 24.09.2015, directing the petitioner to vacate the land leased out to him. It is alleged in the notice that the petitioner has unauthorizedly granted sub-lease to establish small retail shops, which is not permissible and having found that such illegal sub-lease was granted violating the terms of the lease granted to the petitioner, the impugned notice was issued.

2. Learned counsel for the petitioner submits that there was no prior notice given to the petitioner making such allegation and that the petitioner has not sub-leased as alleged.

3. Learned Standing Counsel representing the respondent temples submits that having found that the petitioner violated the terms of lease granted to him by giving sub-lease and the Executive Officer, Sri Vallabeshwaraswamy Temple, Kanuru Village, Peravali Mandal, West Godavari District (3rd respondent), having found in his physical inspection that two shops were constructed by third parties without the prior permission or approval of the respondent temples, the impugned auction is initiated. However, the learned Standing Counsel does not dispute the fact that there was no prior notice or opportunity to the petitioner and the alleged physical inspection was not conducted in his presence.

4. Having regard to the same, the impugned order is not sustainable. However, justice would serve if the respondents are directed to treat the proceedings, dated 24.09.2015, as notice and if the petitioner files explanation to the said notice, the same should be considered and appropriate orders, as warranted by law, be passed. Accordingly, the petitioner is directed to file his explanation within a period of two (2) weeks from today and if such explanation is filed, the same shall be considered and appropriate orders, as warranted by law, be passed. Till the orders are passed as directed above, no coercive action shall be taken against the petitioner.

5. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 7th October, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 7th October, 2015

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