

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

TUESDAY, THE SIXTEENTH DAY OF JUNE TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.16930 of 2015

Between:

Sri Bora Sekhar aged 30 years S/o.B. Suryanarayana, aged 30 years,
occ;Business, R/o.Kapu Veedhi, Simhachalam, Visakhapatnam.

.. Petitioner

AND

The State of Andhra Pradesh, represented by its Principal Secretary,
Endowments Department, Secretariat, Hyderabad and others.

.. Respondents

The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.16930 of 2015

ORDER

With the consent of the learned counsel for the petitioner, learned Government Pleader for Endowments (AP) for respondents 1 and 2 and learned Standing Counsel for respondent No.3, this writ petition is disposed of at the admission stage.

2. According to the petitioner, on a representation made by him in the year 2010, the third respondent granted lease of small extent of land and he cleared the said piece of land, put up a small shed and eaking out his livelihood by selling pooja items. The lease was extended by proceedings dated 17.09.2012, which was valid till 30.06.2015. While so, tender-cum-auction notification was issued on 28.05.2015 for conducting auction for lease of various shops, including the shop now occupied by the petitioner. This writ petition is filed challenging the said auction notification in so far as the shop occupied by the petitioner is concerned.

3. Learned counsel for the petitioner contends that the petitioner was one of the landless persons and that the third respondent temple formulated a scheme for providing employment to the landless persons, but due to misfortune of the petitioner, his name was not included in the list and therefore, he was not provided any alternative provision for eaking out his livelihood, however, on consideration of his representation, lease was granted to the petitioner in the year 2010. He further submits that in accordance with Rule 3 of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Immovable properties and other Rights (other than Agricultural Lands) Leases and Licences Rules, 2003 (for short 'the Rules') and in exercise of the discretion under proviso to Rule 3(1) of the Rules, lease was granted and the petitioner is entitled for extension of lease.

4. *Prima facie*, as seen from the provision contained in Rule 3 of the Rules, the discretion vested with the Commissioner to exercise such an extraordinary power should be in the circumstances mentioned therein and by recording reasons, the Commissioner may grant lease otherwise than by way of public auction.

5. Be that as it may, the lease granted to the petitioner expires on 30.06.2015. Whether lease can be renewed or the competent authority can go for conducting fresh auction is the discretion of the competent authority. If the

competent authority intends to conduct open auction to grant lease, it cannot be said that such action is illegal and that the petitioner cannot insist to grant renewal of lease.

6. Be that as it may, ventilating his grievance, the petitioner submitted his representation on 26.03.2015, which is yet to be disposed of. Without expressing any opinion, the Writ Petition is disposed of, directing the third respondent to consider the representation of the petitioner dated 26.03.2015 and pass appropriate orders in accordance with law, having regard to the circumstances explained in the said representation dated 26.03.2015. The petitioner is also entitled to participate in the auction scheduled to be held on 17.06.2015.

7. With the above direction, 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

16th June, 2015

Note:

Issue CC in three days

(Bo)

sj