

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7528 OF 2015

ORDER:

The case of the petitioner is that he is the permanent resident of house bearing Dr.No.11-523, Ramulagudi Street, Chittoor Town. 2nd respondent temple is a religious and charitable institution, governed by the provisions of A.P.Charitable & Hindu Religious Institutions & Endowments Act, 1987 (herein after referred as 'the Act'). The vacant premises measuring east to west 51 feet and north to south 16 feet situated at Ramulugudi Veedhi, Chittoor Town was leased out to the petitioner on monthly rent of Rs.400/- and an agreement was also executed to that extent by the Commissioner, Endowments, Hyderabad, for a period of 8 years commencing from 21.01.1980 to 01.09.1988 and thereafter the lease granted to the petitioner was not extended and hence the petitioner was treated as illegal occupant. The second respondent, Executive Officer of the temple filed O.A.No.45 of 2011 seeking the relief to direct the petitioner to deliver vacant possession of the petition schedule property. The said O.A. was allowed against the petitioner and even the said O.A. was allowed against the petitioner, the petitioner filed representations dated 10.12.2014 and 22.12.2014 and as the same were not disposed of, petitioner filed W.P.No.39947 of 2014 questioning the orders in O.A.No.45 of 2011 and the said writ petition was dismissed on 27.12.2014 directing the respondents to dispose of the representations of the petitioner. Questioning the dismissal of W.P.No.39947 of 2014, petitioner filed W.A.No.46 of 2015 where under the petitioner was permitted to make a representation within 7 days from the date of order and directed the respondent-temple authorities to consider and dispose of the said representation and after disposal of the representation, it is open for the authorities to take action according to law. Petitioner filed detailed representation on 02.02.2015 requesting the respondents to enhance the rent 33½ % more than the existing rent. However, the respondents received the representation of the petitioner and rejected her request on the ground that the

possession of the petitioner over the property is unauthorized and the property may fetch more rent, nor less than Rs.50,000/- to Rs.1.00 lakh as per the present market rents. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the petitioner is aged about 75 years and is eking out her livelihood for the last more than 30 years and without properly considering her representation, impugned order is passed.

On the other hand, learned Government Pleader for second respondent temple submitted that representation of the petitioner was disposed of in pursuance of the orders passed in W.A.No.46 of 2015 and the O.A.No.45 of 2011 was also allowed and the same became final and the petitioner has no right to continue the lease and it is not in the interest of the temple that the lease should be continued and the property is likely to fetch huge rents.

A perusal of the impugned letter dated 20.02.2015 would show that the third respondent has considered the representation of the petitioner and rejected the same by holding that the property occupied by the petitioner would fetch huge rents, where as, the petitioner is only paying nominal rents. No rule is brought to my notice that the petitioner is entitled to automatic extension of lease. Unless any rule provides for extension of lease, petitioner cannot have a legal right seeking for Mandamus for extension of lease. I do not see any illegality or irregularity in the impugned order passed by the respondent-temple. The 2nd respondent temple is of the view that the property would fetch more rents as per the market value, it is open for the respondent-temple to take action according to law in the interest of temple. However, it is only rejection order, till the 2nd and 3rd respondents take action for auctioning the leasehold rights of the premises, petitioner can be continued on the enhanced rent at 33½% over the existing rent. But, however, when once the respondent temple proposed for auction petitioner can also participate in the said auction if he is eligible. If the petitioner does not emerge as successful bidder, he has to vacate the premises and handover the same to the temple enabling the temple for handing over the said premises to the successful bidder and in case the petitioner emerges as successful bidder, she would continue as per the terms and conditions envisaged in the auction that would be conducted.

With the above direction, the writ petition is disposed of. There shall be no

order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition shall stand dismissed.

A.RAJASHEKER REDDY, J

23.03.2015

Rns

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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