

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.24109 of 2007

ORDER:

The writ petition is filed seeking a writ of certiorari calling for the records connected to order dated 06.12.2006 in appeal No.136 of 2006 from the file of the first respondent, set it aside and also set aside the order in proceedings in Rc.No.A4/6293/2003, Adm., dated 29.06.2006 passed by the third respondent by declaring the same as illegal, arbitrary and violative of provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 and consequently declare the petitioner as a landless poor person.

The petitioner made an application before the third respondent dated 23.08.2003 seeking to sell the land to an extent of Acs.5.48 cents of wet land as he was cultivating tenant for the last sixty years and also as he is a landless poor person. The second respondent issued the impugned proceedings in Rc.No.A4/6293/2003, dated 29.06.2006, rejecting the request of the petitioner declaring that the petitioner is not the landless poor person. Aggrieved by the same, the petitioner preferred an appeal before the first respondent, the Regional Joint Commissioner, Multi Zone-I, Endowments Department, Kakinada, who also dismissed the appeal confirming the proceedings of the second respondent holding that the petitioner held an extent of land admeasuring Acs.5.48 cents of wet land, exceeding the limits prescribed to a landless poor person, and as such, the petitioner does not come under the purview of the landless poor person as defined under Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987.

It is also the case of the petitioner that he has filed writ petition being W.P.No.9012 of 2003 before this Hon'ble Court challenging the notice, dated 21.04.2003, issued by the second respondent directing the petitioner to handover the subject land and an interim suspension order was passed in W.P.M.P.No.11551 of 2003. Subsequently, the said writ petition was dismissed.

In view of the request of the petitioner for transfer of the subject land in his favour, as he is a landless poor person, has been rejected on earlier occasions by the third respondent, which is confirmed by the first respondent, and also in view of the dismissal of the earlier writ petition being W.P.No.24109 of 2007, this writ

petition is also dismissed confirming that the petitioner is not the landless poor person as per Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987.

The writ petition is accordingly dismissed. No costs.

Consequently, the miscellaneous petitions, if any shall also stand closed.

JUSTICE RAJA ELANGO

02.04.2015

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