

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9205 OF 2015

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the respondent authorities to conduct auction of the leasehold rights of the lands of which the petitioners are in possession, for agricultural years 2015-16 to 2017-18 as illegal and arbitrary.

It is the case of the petitioners that they are the tenants of the first respondent temple and they have been inducted as tenants in the year 2012 and their lease expired by 30.06.2015. They have made oral representation to the first respondent temple for extension of lease, but without considering their request, the first respondent temple issued auction notification dated 23.03.2015 and proceeding with the auction of the leasehold rights of the agricultural lands of all the petitioners. Aggrieved by the same, the present writ petition is filed.

Heard Sri B.Chinnapa Reddy, learned counsel for the petitioners as well as Smt. K.Lalitha, learned Standing Counsel for the first respondent temple.

Learned counsel for the petitioners submit that Circular No.2/85 in C.190 J4/4562/85), dated 21.01.1985 provides for extension of leases.

On the other hand, Smt. K.Lalitha, learned Standing Counsel for the first respondent temple submits that there is no representation on behalf of the petitioners for extension of lease and moreover, there is no provision for extension of lease.

In the present case on hand, admittedly, tenancy expired in the year 2013 itself. This Court, in number of cases, has considered the effect of circulars which are in contravention of the Rules and held that same cannot be given effect to. More so, the circular relied on by the learned counsel for the petitioners was in pursuance to old Act and no Rule is brought to the notice of this Court stating that the petitioners are entitled for extension of leases as a matter of right. Though the petitioners have made several grounds, but unless

Rules provide for extension of leases, this Court cannot direct the respondent temple for extending the lease, without going for public auction.

In view of the above facts and circumstances, I do not see any ground to entertain the writ petition and same is liable to be dismissed.

Accordingly, this writ petition is dismissed. However, if petitioners made any representation, the same shall be considered and dispose of in accordance with law. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

07.04.2015

kvs

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Date: 07.04.2015

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