

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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Writ Petition No. 16551 of 2009

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ORDER :

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This writ petition is filed seeking writ of mandamus declaring the action of the respondent in conducting the public auction of the leasehold rights of the land to an extent of Ac.2.10 cents in Sy.No.28, of Kasukarru Village, Ponnur Mandal, Guntur District, without evicting the petitioner from the land, by following the due process of law as illegal and arbitrary and further to declare the auction notice dated 04.08.2009 is violative of Rule 11 of the A.P.Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 and consequently to set aside the same.

2. It is the case of the petitioner that he is tenant of the respondent temple to an extent of Acs.2.10 cents of wet land in D.No.28 (Sy.No.28). He made an application before the competent authority for declaring him as landless poor person. The Competent Authority i.e., the Assistant Commissioner of Endowments, Guntur, after conducting enquiry, declared him as landless poor person vide proceedings in Rc.No.A4/7178/2003, dated 29.09.2003. By virtue of the said proceedings, he is entitled to continue as tenant by paying 2/3rd of the market value of the rent. But now the respondent contemplates to conduct the public auction for granting leasehold rights of the land which is in possession of the petitioner and the date of public auction was fixed on 13.08.2009. Aggrieved by the same, the present writ petition is filed.

3. Counter affidavit is filed by the respondent stating that initially the Assistant Commissioner, Guntur, vide proceedings in Rc.No.A4/7178/2003, dated 29.09.2003 declared the petitioner as landless poor person. Subsequently, the Assistant Commissioner, Guntur, in his letter in Rc.No.A4/8411/2008, dated 24.08.2009 requested the Regional Joint Commissioner, Endowments, Zone-II, Tirupati to cancel the landless poor certificate granted earlier in favour of the petitioner and the same was numbered as Appeal No.1 of 2010 before the Regional Joint Commissioner, Tirupathi against the proceedings of the Assistant Commissioner in Rc.No.A4/7178/2003, dated 29.09.2003 and same is pending. On 12.08.2009, this Court passed an order stating that any auction held would be subject to the result of the writ petition. Auction was held on 13.08.2009 for the year 2009-2012 and it was postponed as one person

participated in the auction.

4. Heard Sri N.Guru Gopal, learned counsel for the petitioner and Smt. K.Lalitha, learned Standing Counsel for the respondent temple.

5. Learned Standing Counsel for the respondent temple submits that for subsequent years also, auction was conducted in respect of the subject land and leasehold rights were granted in favour of the successful bidder. Even for the year 2015 also, auction was conducted and successful bidder was put in possession of the subject land. She also submits that the appeal filed by the respondent temple against the landless poor certificate granted in favour of the petitioner was allowed vide order dated 28.06.2010 and same has become final. She also produced proceedings dated 25.05.2015 showing the grant of lease in favour of successful bidder.

6. Since the landless poor certificate granted in favour of the petitioner was set aside by the Regional Joint Commissioner in Appeal No.1 of 2010 vide orders dated 28.06.2010, the petitioner has no right to continue as tenant of the subject land as landless poor person by squatting on the property. More so, the proceedings dated 25.05.2015 show that auction was conducted and successful bidder was put in possession of the subject land. Moreover, no reply is filed by the petitioner rebutting the averments in the counter affidavit. In view of the same, nothing survives for consideration in the writ petition.

Accordingly, this writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

REDDY, J

A.RAJASHEKER

28.10.2015.
KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No.16551 OF 2009

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Date: 28-10-2015

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