

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20725 OF 2011

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the tender cum open auction notice dated 28.06.2011 issued to the extent of lands admeasuring Ac.11.11 cents in total in Sy.Nos.152/1, 158/1, 160/1, 161/1, 161/2, situated at Thatituru Village, Bheemunipatnam Mandal, Visakhapatnam District, proposing to conduction auction of the said lands on 25.07.2011, as illegal and arbitrary and for a consequential direction to the respondents not to proceed with the proposed auction without evicting the petitioners by following due process of law.

This court while admitting the writ petition on 22.07.2011, made an observation that the lease in respect of the subject lands granted in favour of the petitioners pursuant to the auction of the leasehold rights appears to be subsisting till 2012-2013 and as such granted interim suspension of the impugned notice.

Now by afflux of time, the grievance of the petitioner is redressed. The other contention that petitioner should not be evicted without due process of law is concerned, it goes without saying that the respondents have to follow the procedure for evicting the tenants from the agricultural lands by following Rule 5(1) of the A.P.Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 (*for short 'the Rules'*), contained in G.O.Ms.No.379, dated 11.03.2003.

In view of the above, the writ petition is disposed of directing the respondents not be evict the petitioner from the subject land without following procedure envisaged under Rule 5(1) of the Rules. 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

09.10.2015

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