

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.23539 of 2014

Date: 19-02-2015

Between:

Gujjula Obula Reddy and 2 others

.. Petitioners

AND

The Government of Andhra Pradesh, represented

By its Principal Secretary, Endowments Department

and 2 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.23539 of 2014

ORDER:

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This writ petition is filed for a mandamus to declare the action of the 3rd respondent in not conducting leasehold rights in respect of the lands in Survey Nos.735, 736, 737/1 and 737/2 to an extent of Ac.0.32.04 cents situated at Boddikurapadu, Tallur Mandal, Prakasam District belongs to 3rd respondent issued on 26-07-2014 and the auction to be held on 07-08-2014 which was postponed to 16-08-2014 as illegal and arbitrary and for a

consequential direction to set aside the same.

2. The case of the petitioners is that the lands in Survey Nos. 735, 736, 737/1 and 737/2 to an extent of Ac.0.32.04 cents situated at Boddikurapadu, Tallur Mandal, Prakasam District belonged to 3rd respondent-temple and in the year 2011, the petitioners were granted lease of the said agricultural lands for a period of three years from 2011 to 2014 and their lease expired by March, 2014, for which they made a representation for extension of the said lease. But, the respondent authorities, without passing any orders on the said representation, issued a fresh notification for granting lease of the said agricultural lands to third parties. Aggrieved by the same, the present writ petition has been filed.

3. This Court, on 14-08-2014 in WPMP.No.29472 of 2014 granted interim stay of auction for a period of six months on condition of the petitioners paying lease amount as per the market value. After expiry of the stay period by 14-02-2015, the 3rd respondent issued a fresh notification for granting leasehold rights of the land scheduled to be held on 28-02-2015 at 11.30 A.M.

4. Learned counsel for the petitioner submits that even though the petitioners were granted six months, they could not harvest the eucalyptus trees and they may be granted another six months time for harvesting the same.

5. On the other hand, the learned standing counsel for the 3rd respondent-temple submits that though the petitioners' lease expired almost in March, 2014, they are continuing and this court granted six months time for harvesting the same, but they did not avail the same.

6. A perusal of the auction notice dated 15-02-2015 would show that the lands sought to be leased out along with trees. The 3rd respondent temple cannot have any right to auction the trees already existed in the lands as the same have been raised by the petitioners and at the same time, no rule or provision is provided for extension of lease of the petitioners. Even the 3rd respondent temple clearly stated that the lease of the petitioner expired long back and they intended to auction the said lands by which,

the 3rd respondent temple would get huge amounts.

6. When there is no rule or provision for extending the lease period, the petitioners cannot seek for extension of lease, more so, the respondent authorities is not willing to extend the same. Irrespective of the said fact, the respondent authorities cannot put the trees in auction along with the lands.

7. In view of above facts and circumstances, the 3rd respondent-temple is directed to permit the petitioner to harvest the eucalyptus trees raised by him in the lands sought to be auctioned. However, it is open for the 3rd respondent-temple to auction the lands scheduled to be held on 28-02-2015 as per the notification issued on 15-02-2015. In case the leasehold rights of the lands is awarded in favour of third parties, the petitioners may be continued till the auction proceedings are finalized and permit the petitioners to harvest eucalyptus trees raised by them and in case the petitioners become the successful bidders in the said auction, they will be continued as such.

With the above observation, the writ petition is disposed of. No costs. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 19-02-2015

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