

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6862 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the tender-cum-auction notification dated 18.02.2015 for conducting auction with respect to the lease hold rights of the dry land leased out in petitioners' favour in Sy.No.176/1, admeasuring Ac.2.28 cents dry out of Ac.3.28 cents dry situated at Penta Village, Padmanabha Mandal, Visakhapatnam District, as illegal and arbitrary.

The case of the petitioners is that they were conferred lease hold rights of the 4th respondent temple and that the land owned by them and the land leased out by the temple is also within the limit of the land under the definition of the landless poor persons. It is also stated that the petitioners have no source of income and they are eking out their livelihood by cultivating the above said lands of the temple. The petitioners also submitted their representation to the respondents requesting to declare them as landless poor persons. But, without considering the same, respondents are trying to auction the lease hold rights of the lands belonging to the subject temple which are in possession of the petitioners. Aggrieved by the same, present writ petition is filed.

This Court on 18.03.2015 granted interim stay and the same is being extended from time to time.

Learned counsel for the petitioners submits that the applications submitted by the petitioners for declaring them as landless poor persons are rejected by the 3rd respondent. He also seeks time for filing remedies available against the rejection order.

In view of the above facts and circumstances, the writ petition is disposed of granting liberty to the petitioners to challenge the orders issued by the 3rd respondent rejecting their claim for declaring them as landless poor. It is also open for the petitioners to file an appeal within a period of three weeks from the date of receipt of a copy of this order. Till such time *Status Quo*

obtaining as on today, shall be maintained by both the parties. On filing of the appeal by the petitioners, the appellate authority shall consider the same without being influenced by any of the observations made herein. If the petitioners failed to file any appeal within the aforesaid period, it is open for the respondents to take appropriate action. 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

16.04.2015

Note: Issue C.C in two days.

B/o. tk.