

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6221 OF 2015

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the 3rd respondent in not recognising the petitioner as landless poor under Sec.82 of the Endowments Act, vide his proceedings in Rc.No.B2/5447/10, dated 01.01.2015 in respect of the agricultural dry lands in an extent of Ac.1.22 cents in Sy.No.211/2, situated at Vellaturu Village, Bhattiprolu Mandal, Guntur District, despite the petitioner is in exclusive peaceful possession and enjoyment by cultivating the land since long back by paying the rentals to the temple, as illegal and arbitrary and for a consequential direction to the 3rd respondent to recognise the petitioner as landless poor as per Sec.82 of the Endowment Act with reference to the land in Sy.No.211/2.

Learned counsel for the petitioner submits that for the last 100 years, the petitioner's ancestors were cultivating the subject land, but the 3rd respondent without considering the same, passed impugned order which is illegal and arbitrary.

On the other hand learned Assistant Government Pleader for Endowments submits that petitioner has alternative remedy under Rule-4 of the A.P.Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003.

Rule-4 of the A.P.Charitable and Hindu Religious institutions and Endowments lease of Agricultural Lands Rules, 2003 (*for short 'the Rules'*) reads as follows:

“4. Appeals:-

Any person aggrieved by the decision or order made or

passed under Rule-3 may prefer an appeal to the Regional Joint Commissioner having jurisdiction within thirty days from the date of receipt of decision or order by him. The decision or order of the Regional Joint Commissioner in this regard shall be final.”

A perusal of Rule-4 clearly shows that it provides for appeal against the impugned order. As such, this Court is not inclined to interfere with the impugned order. However, as per the provisions of Rule-4 of the Rules, it is open for the petitioner to file an appeal before the appellate authority by raising all his contentions and on such appeal being filed; the appellate authority shall entertain the same and pass orders according to law.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel there to, miscellaneous petitions, if any pending in the writ petition shall stand closed.

A.RAJASHEKER REDDY, J

12.03.2015

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