

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.41204 of 2015

Date:18.12.2015

Between:

Thokala Venkateswarlu,
S/o Obaiah

..... Petitioner

And:

The State of A.P., repled., by its
Principal Secretary, Endowments
Department, Hyderabad and four others.

.....Respondents

Counsel for the Petitioner: Mrs. Akkineni Harija

For Mr. M.Subba Reddy

Counsel for Respondent Nos.1 to 4: AGP for Endowments
(AP)

The Court made the following:

ORDER:

The petitioner, who claims that his family has been in possession of Acs.6.12 cents of land in Survey No.144 of Mopadu Village, Kandukuru Mandal, Prakasam District from the time of his forefathers for about 100 years, filed this Writ Petition feeling aggrieved by notice, dated 05.12.2015, of respondent No.5, wherein he was informed that in view of the Amendment Act 27 of 2000, the endowment lands are exempted from the provisions

of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Immovable Properties and Other Rights (Other than Agricultural lands) Leases and Licences Rules, 2003 (for short 'the Rules') and that therefore, the lands will be put to public auction.

At the hearing Mrs. Akkineni Harija, learned counsel representing Mr. M.Subba Reddy, learned counsel for the petitioner, while fairly conceding that in view of the Amendment Act, the decree passed under ATC No.8 of 1998 on the file of the Principal Junior Civil Judge-cum-Special Officer for Tenancy, Kandukuru, in favour of the petitioner will have no effect, however, submitted that before putting the temple properties to public auction, respondent No.5 is bound to follow the procedure prescribed under Rule-5 of the Rules.

Mr. Ambati Sreekanth Reddy, learned Standing Counsel for respondent No.5, submitted that the petitioner was paying a pittance of Rs.420/- for a large extent of Acs.6.12 cents of land till 2011 and that thereafter, he has stopped paying even this lowly lease. He has, further, admitted that unless physical possession is recovered from the petitioner, the auction cannot be held.

In the light of the above-noted facts of the case and the submissions of the learned counsel for both parties, the Writ Petition is disposed of with the direction to respondent No.5 not to hold auction till physical possession of the property is recovered from the petitioner by following the procedure envisaged under Rule-5 of the Rules.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.53196 of 2015 filed by the petitioner for interim relief is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*18th December, 2015
DR*