

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.28019 of 2015

DATED : 01.09.2015

Between :

Pallapothu Sitaramanjaneyulu
S/o.Subbarao, Aged about 45 yrs,
R/o.Serigolvepalli, Gudivada Mandal,
Krishna District & 38 others.

.. Petitioners

and

State of Andhra Pradesh,
Rep., by its Principal Secretary to Government,
Endowments Department, Andhra Pradesh,
Tilak Road, Hyderabad & others.

.. Respondents

This court made the following :

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ORDER :

The petitioners are the small farmers and were granted lease of agricultural lands belonging to the 4th respondent-temple, in pursuant to the auction notification issued for grant of lease for a period of three years commencing from 2014-2015 agricultural season. Accordingly, auction was confirmed in their favour and possession was vested in them. Alleging that the lease amount is not paid a notice dated 12.05.2015 was served on them demanding payment of amount. Further a notice was issued on 09.06.2015 informing the petitioners that the lease was confined to one year only and that the lease period is over and a decision is taken to grant lease hold rights for converting the lands into fish ponds and to conduct fresh auction. It also demands payment of arrears of lease amount due for the previous year. As a consequence to these notices, tender notification was issued on 19.08.2015 calling for fresh tenders to conduct auction for grant of lease for a period of three years. This writ petition is filed challenging the same by the existing lease holders.

2. Learned counsel for the petitioners contend that having granted lease for three years, it is not open to the respondent-Temple to curtail the lease period and that too without following the due process and without

putting the petitioners on notice. He further submits that as per the endorsement given by the Executive Officer of the respondent-Temple, he has recognized the factum of continuation of lease for the year 2015-2016 while that being so, they cannot seek to terminate the lease and go for fresh auction.

3. Learned Standing counsel on instructions submits that the petitioners have not paid the lease amount for the previous year and they are in arrears of the lease amount payable. She further submits that in fact the petitioners themselves have represented to convert the agricultural lands into fish ponds in their representation dated 10.09.2014. They have specifically stated in the said representation that all the surrounding lands are converted into fish tanks and it has become difficult to undertake cultivation of agricultural products in view of the surrounding lands being converted into fish ponds.

4. Having regard to the said request made and on consideration of the matter, the lease period was restricted to one year and a decision is taken to go for fresh auction to grant lease hold rights so that better lease amount can be generated for the temple.

5. Admittedly, though initially lease was intended for a period of three years, but on account of the representation of the petitioners and since petitioners also state that it is not possible to cultivate the lands for agricultural products since the surrounding lands are already converted into fish ponds, it appears that lease was confined to one year only and this fact is evident from the reading of notice issued to the petitioners. From the notice it is also clear that lease amount payable by the petitioners for the previous year 2014-15 is not paid even till the notice dated 09.06.2015 is issued and the petitioners have come up with a plea that there was no proper yield from agricultural operations and infact the petitioners have sustained losses. As per the norms for grant of lease, the lease amount has to be paid before commencement of the agricultural operations. Admittedly, the petitioners did not pay the lease amount before commencement of agricultural operations and even after completion of one year of the lease period and also inspite of the demands made. The stand of the petitioners on low yield and losses sustained goes against their claim, coupled with the request made by them on 10.09.2014 for conversion of land into fishing ponds.

6. As the agricultural operations may not be possible the temple has no option but to convert the lands into fish ponds. Earlier land was auctioned as Agricultural lands to grow crops. If these lands are converted into fishing ponds, there would be more demand for lease and may yield better lease amount. If that is so, it cannot be said that the respondents have erred in deciding to go for conducting of fresh auction to grant regular lease for conversion of land into fishing ponds. Moreover, petitioners being defaulters, they cannot seek to continue the lease. It is also seen that lease was not approved by competent authority.

7. Having regard to the above, the writ petition is dismissed leaving it open to the petitioners to participate in the auction. With reference to the request of the petitioners for participation in the auction without clearing the arrears of lease amount, the petitioners are granted liberty to make a representation to the Commissioner, Endowments Department, through the Executive Officer, Sri Jaganadhaswamyvari Devasthanam, Vadali Village, Mudhinepalli Mandal, Krishna District (4th respondent). As and when such representation is made, the same shall be considered before finalization of the auction. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO,J

1st September, 2015.
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