

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.35063 of 2015

ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Mandamus* declaring the action of respondents in issuing the notification, dated 05-10-2015 proposing to auction the lease hold rights of lands admeasuring to an extent of about Acs.10.14 cents situate in various survey numbers of Murrlamudi Village, Hamlet of Jangalapally Village, Chittamur Mandal, Nellore District, which are under the possession and enjoyment of petitioners, as illegal and arbitrary and consequently, quash the auction notification, dated 05-10-2015 pertaining to lands belonging to the 4th respondent temple admeasuring to an extent of about Acs.10.14 cents situate in various survey numbers of Murrlamudi Village, hamlet of Janagalapally Village, Chittamur Mandal, Nellore District.

Heard the learned counsel for petitioners and the learned Government Pleader for Endowments and perused the material available on record.

The learned counsel appearing for the highest bidder informed that he has no grievance if the auction is set aside and if the petitioners pay the amount as fixed by this Court.

Considering the facts and circumstances of the case, the auction conducted by respondents and the lease entered between the highest bidder and respondents are hereby set aside. The respondents are directed to hand

over the possession of the subject land to petitioners herein and petitioners are permitted to cultivate the subject land for a period of three years, subject to payment of Rs.25,000/- (Rupees Twenty Five Thousand Only) per acre every year on or before 31st January of succeeding years. After the completion of lease period, respondents are also at liberty to take appropriate action, if they so desired, to take possession of the subject land in their favour.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in the Writ Petition shall stand closed.

21st December, 2016

skmr



JUSTICE RAJA ELANGO