

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10701 OF 2016

ORDER:

The writ petition is filed challenging the action of the respondents in trying to dispossess the petitioners from the petition schedule land situated in Sy.No.547, 542, 545, 515 and 513 to a total extent of Ac.17.17 cents, Kandrakota Village, Peddapuram Mandal, East Godavari District.

It is the case of the petitioners that they are in possession and enjoyment of the petition schedule land for the last ten years by paying the tax to Raja Vatsavai Buchi Seetamma Dharma Satram (R.V.B.S) Choultry, Peddapuram regularly and the petitioners are the successful bidders of the said auction in various extents of land and each of the petitioners have to pay 20 bags of paddy per annum. The petitioners had also deposited a sum of Rs.1,60,000/- in favour of the 5th respondent-Choultry for the total extent of land as it is one of the pre-condition to deposit the said amount before participating in the auction. Though the petitioners are having the lease hold rights till August, 2016, the respondents-authorities are trying to dispossess them from the lease hold lands without issuing any advance notices. It is also stated that it is always open for the respondents-authorities to put on auction for the lease hold lands after completion of tenure of the petition schedule land, but for the reasons best known to them, the respondents-authorities are trying to dispossess the petitioners from their lease hold lands and as there is existing crop the petitioners would be put to great loss and hardship.

Heard the learned counsel for the petitioners and the learned Government Pleader for Endowment.

A perusal of the material available on record, it is clear that the lease granted in favour of the petitioners is subsisting till 07.07.2016. In other words, the subject property can be leased out to others either by public auction or in any other manner as may be permissible only for the period commencing from 07.07.2016. In that view of the matter, petitioners are entitled to be in possession and enjoyment of the subject properties till 7.7.2016.

Accordingly, there shall not be any dispossession of the petitioners from

the petition schedule properties till 7.7.2016. It is made clear that the respondents-authorities are entitled to conduct the auction in advance for granting lease of the properties in question for the period commencing from 7.7.2016. However, the petitioners are also entitled to participate in the said auction.

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

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

CHALLA KODANDA RAM, J

Dated:01.04.2016.

Note:

Issue CC forthwith.

B/o.

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