

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.36892 OF 2016**

**ORDER:**

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action of respondent No.4 in forcibly attempting to evict the petitioner from the agricultural land to an extent of Ac.0.30 cents in Sy.No.1307/2 and an extent of Ac.0.77 cents in Sy.No.1132/11 situated at Anakapalli Municipal limits, Anakapalli Town, Visakhapatnam District as illegal and arbitrary and consequently, to direct the respondents herein to follow the procedure as per Sections 82 and 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987.

2. Case of the petitioner is that his great grandmother was in possession of the aforesaid land from the year 1935 to 1980 as a tenant and she was paying the lease amounts to the trustee of Sri Danda Paneswara Swamy. After her death, his father was in possession of the said property from 1980 to 1988 and his father paid the lease amounts to the trustee of Sri Danda Paneswara Swamy Trust. From 1989 onwards, the trustees of the Danda Paneswara Swamy Trust did not accept the lease amounts and the petitioner and his father were not aware as to whom the lease amounts have to be paid. During 2012, they approached the revenue officials at Anakapalli and enquired with them as to whom the lease amounts have to be paid and on verification, it was informed by the revenue officials that the said lands are in the name of Sri Kasi Visweswara Swamy Devasthanam and therefore, directed them to pay the same to the said Devasthanam. The

petitioner's father paid the lease amount of Rs.1,953/- to respondent No.4 on 4.10.2012. His father was in possession of the aforesaid land till his death and the petitioner came into possession of the said land as a legal heir. After the death of his father, since the petitioner was not aware as to whom the lease amounts have to be paid, he waited for two years. On 8.4.2016, respondent No.4 and his subordinates came to the said land and informed him that the said land belongs to respondent No.4 Devasthanam and directed him to pay a sum of Rs.30,000/- towards the lease amount from the year 1988 to 2016 and accordingly, he paid the said amount on 8.7.2016. On the same day, he submitted a representation requesting respondent No.4 to renew the lease and further, requested him to inform him about the arrears of the amount, if any. On 22.10.2016, respondent No.4 along with his subordinates came to the said land and directed him to vacate the land and hand over the same to him by 24.10.2016, since they have decided to conduct public auction in respect of the said land.

3. Learned counsel for the petitioner submitted that the petitioner is a small farmer and the respondents, under the guise of auctioning the aforementioned land, cannot evict him from the said land by giving auction notice; that since the respondents have orally informed the petitioner to vacate the said land, he apprehends that the respondents may evict him from the said land and hence, prays to give a direction to the respondents not to evict him from the said land without following the due process of law.

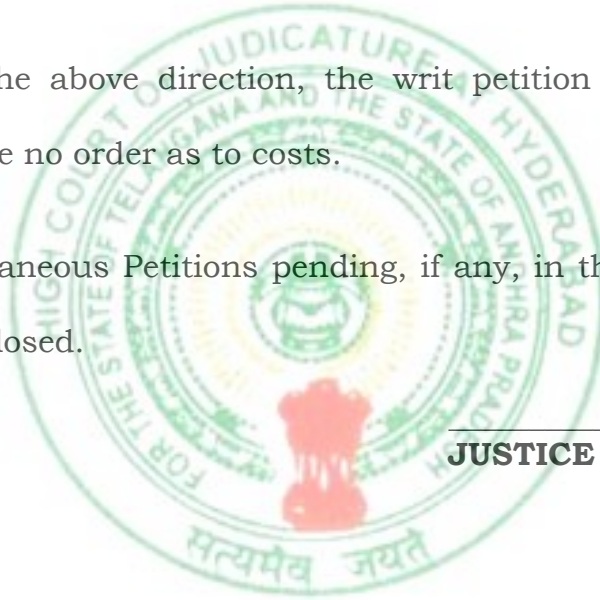
4. The petitioner has not filed any notice issued by the authorities concerned to substantiate his case, but he apprehends that the respondents may evict him from the said land. According to the petitioner, he is a small farmer and he cannot be evicted by the authorities concerned as per Sections 82 and 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987. Considering all the facts and circumstances of the case, the respondents are hereby directed not to evict the petitioner from the subject lands without following the due process of law.

5. With the above direction, the writ petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

31.10.2016  
AMD

**JUSTICE RAJA ELANGO**



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**Date: 31.10.2016**

AMD