

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10466 of 2005

ORDER:

Notice issued under Form-I under Rule 5 of the A.P. Charitable and Hindu Religious Institutions & Endowments Lease of Agricultural Lands Rules, 2003 to the first petitioner is challenged in this writ petition.

2. It is the case of the petitioners that the first petitioner, who is the father of the second and third petitioners, is the cultivating tenant to an extent of Ac.4-40 cents in R.S.No.64 and 66, an extent of Ac.0-44 cents in R.S.No.66/2, an extent of Ac.0-46 cents in R.S.No.66/08, an extent of Ac.0-63 cents in R.S.No.29/3, and an extent of AC.0-15 cents in R.S.No.54/5 of Gorintada Village, Palakol Mandal, West Godavari District, and they have been cultivating the same for several years. On account of the old age of the first petitioner, the subject land was partitioned among themselves and the petitioners are cultivating the land to an extent of Ac.2-00 each. While so, the second respondent passed order dated 19.04.2005 cancelling the lease in respect of the said land. Thereby, the petitioners filed an application on 25.04.2005 requesting to determine them as landless poor persons and the same is pending. Inasmuch as petitioners are entitled for the benefit under the Rules, their right and enjoyment over the agricultural land shall not be interfered with till the disposal of the same.

3. A counter affidavit has been filed on 04.06.2005 affirmed by the Manager of the second respondent wherein it has been categorically asserted that the petitioners have not filed any application within 30 days from the date of notice issued under Rule 5(1) claiming as landless poor person under Rule 3 to the first respondent.

4. Learned counsel for the second respondent also submits that the third petitioner expired and the first and second petitioners voluntarily surrendered the land in the year 2012. Learned counsel for the petitioners has not contraverted the said submission and submits that in spite of the efforts made by him, no response is forthcoming from the petitioners.

5. Though the petitioners assert in the affidavit that they had filed an application under the relevant Rules seeking to declare them as landless poor persons, there is no material placed before this court to that effect. It is also the assertion of the second respondent in the counter affidavit that no such application is filed by the petitioners. Further, as the tenancy comes to an end on account of the operation of Section 82 and as it is also the assertion of the learned counsel for the second respondent that the second petitioner, being an employee of the cooperative society, was not keen to voluntarily surrender the land, I see no merit in the writ petition.

Writ petition is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE CHALLA KODANDA RAM

November 21, 2016
LMV

