

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.6762 OF 2016

ORDER:

This writ petition is filed challenging the public auction notice dated 18.02.2016 proposing to auction the lease rights of the open site over an extent of 23 sq. yards in T.S.No.375/5 in Ward No.16, Kabadi Street, Peddapuram, violating the Rules of A.P. Charitable & Hindu Religious Institutions & Endowments Immovable Properties and other Right (other than Agricultural Leases and Licenses Rules, 2003, (for short, "the Rules").

It is the case of the petitioner that Rule 5 of the Rules permit only to grant the lease of immovable properties other than agricultural properties not exceeding for a period of three years and as per the amended Rules, the lease of immovable property shall be granted for a period of exceeding three years. Inasmuch as in the auction notification in the present case, the lease rights are sought to be conferred for a long period of eleven years, the very notification itself is contrary to the Rules. Though, initially, learned counsel appearing for the respondents submitted that by G.O.Ms.No.426 dated 09.11.2015, the Rule has been amended to permit to grant the lease for a period of eleven years, she fairly submitted that by virtue of G.O.Ms.No.13 dated 08.01.2016, the said G.O has been kept in abeyance. In that view of the matter, as on date, the proposal of the respondents to grant lease for a period of eleven years would be contrary to the existing Rules.

Accordingly, the writ petition is allowed setting aside the public auction notice dated 18.02.2016. However, this order does not preclude the respondents-institution to issue a fresh notice inconformity with the Rules. No order as to costs.

In view of the disposal of the main writ petition, Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

CHALLA KODANDA RAM,J

Date:02.03.2016.

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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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