

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 17476 OF 2012

ORDER:

This writ petition is filed challenging the auction notice dated 01.06.2012 issued by Sri Veera Venkata Satyanarayana Swamy Devasthanm - 5th respondent herein vide Rc.No.C4/1132/2012 to conduct auction on 15.06.2012 in respect of land to an extent of Acres 4.08 cents situated in Sy.No.34 of Sarrampetapadu Village, Addateegala Mandal, East Godavari District.

2. It is the contention of the petitioner that his grandfather and himself are in occupation of the land for more than 100 years and are eaking out their livelihood by cultivating the same by paying tax to the Revenue authorities. While so, the fifth respondent issued the impugned auction notice dated 01.06.2012 without adhering to the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions Act, 1987 (for short, "the Act").

3. Learned counsel for the petitioner submits that if at all the land belongs to the Temple, due process as prescribed under Sections 82 and 83 of A.P. Charitable and Hindu Religious Institutions and Endowments Act and Rules made thereunder is required to be followed.

3. Sri Sasidhar, learned counsel appearing for the fifth respondent-Temple, submits that though the auction proceedings dated 01.06.2012

were issued, as on date, petitioner was allowed to continue subject to payment of Rs.1,500/- per anum.

4. The writ petition is disposed of giving liberty to the respondents to take appropriate steps to evict the petitioner in accordance with law particularly in terms of the A.P.Charitable and Hindu Religious and Endowments Act, 1987 and the Rules made thereunder. However, considering the fact that petitioner is admittedly cultivating Ac.4-00 of land, subject to the condition of petitioner paying @ Rs.6,000 per acre i.e., Rs.24,000/-, on year to year basis to the fifth respondent-Temple, petitioner shall be allowed to cultivate the land. However, the order allowing the petitioner to cultivate land is subject to the action that may be taken by the fifth respondent in terms of the Rules.

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

JUSTICE CHALLA KODANDA RAM

November 10, 2016
LMV