

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.23393 OF 2016

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ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the respondents in conducting auction of the lands to an extent of Ac.4.64 cents in Survey No.337 of Venigandla village, Pedakakani Mandal, Guntur District on the sole ground that the original tenant expired even though the petitioner being a legal heir of the original tenant continuing as a lawful tenant and without permitting the petitioner to exercise option under Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, as illegal, arbitrary, and violative of Articles 14 and 300 A of the Constitution of India and consequentially direct the respondents to permit the petitioner to exercise the option under section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act and rules framed there under.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

The case of the petitioner is that the husband of the petitioner was a cultivating tenant of the land to an extent of Ac.4.64 cents in Survey No.337 of Venigandla Village, Pedakakani Mandal, Guntur District (the land in question). The third respondent declared the husband of the petitioner as a landless poor person, vide his proceedings in Rc.No.A5/4653/2003, dated 01.09.2003. The petitioner's husband died on 19.03.2016. The contention of the petitioner is that the respondents have no right whatsoever to conduct auction of the lease hold rights of the land in question.

The learned Standing Counsel for the fourth respondent submitted that the temple authorities have conducted public auction on 20.06.2016 and the same was confirmed in favour of the highest

bidder on 30.06.2016 by the third respondent. The fact remains that the petitioner herein has not obtained legal heir certificate from the competent authority.

The learned counsel for the petitioner submitted that the petitioner made an application to the third respondent to declare her as legal representative of late Munnangi Mallareddy. He further submitted that the third respondent may be directed to dispose of the application submitted by the petitioner as early as possible.

Having regard to the facts and circumstances of the case, the third respondent is hereby directed to dispose of the application of the petitioner in accordance with law, as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

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

T.SUNIL CHOWDARY, J

Date: 20.07.2016
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