

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4970 OF 2016

ORDER:

The writ petition is filed challenging the order dated 27.11.2015 of the 3rd respondent-Regional Joint Director.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowment.

It is the case of the petitioner that he is the successful bidder to enjoy with all existing trees in the auction conducted pursuant to the tender notification dated 4.6.2015 with respect to Ac.8.41½ cents of land in Sy.No.102/1A, 1B, IC of Vakalapudi Village for a period of three years commencing from 2015 to 2018. Thereafter, through the impugned proceedings, petitioner's lease was cancelled alleging certain violations of the auction conditions particularly on the allegations of making unauthorized constructions of tatched sheds, dining sheds and conducted Mother Teresa School which is a Christian based school, without prior permission.

It is the contention of the learned counsel for the petitioner that the petitioner had in fact approached the 3rd respondent-Regional Joint Commissioner by submitting an application dated 2.9.2015 seeking for grant of additional land in favour of the petitioner and the said application is pending without taking any decision. However, the 3rd respondent directed the 4th respondent-Assistant Commissioner (Endowment) to examine the feasibility. The 3rd respondent-Regional Joint Director appeared to have inspected the site and reported that the petitioner had already dug a bore well and constructed the tatched shed and pendals and further constructed a dining shed for Mother Teresa school children.

It is the further contention of the learned counsel for the petitioner that there is no rejection of the petitioner's application and the impugned order is passed without issuing any notice and without calling for any explanation. At any rate, the petitioner is willing to remove all the constructions alleged to have been made and will strictly abide by the conditions of the lease. To that effect, petitioner also had filed an affidavit before this Court categorically stating that he is willing to abide by the lease conditions strictly and without making any developments in the land which has been leased to him

particularly to enjoy the same. Though a counter-affidavit has been filed by the 5th respondent, on instructions, the learned counsel for the 5th respondent submits that subject to the conditions of the petitioner adhering to the lease conditions strictly and removing all the structures within a period of three weeks from the date of receipt of the copy of the order, lease granted to the petitioner shall be restored.

Recording the submissions made by the learned counsel for the petitioner, the writ petition is disposed of. However, the petitioner shall file an undertaking affidavit as may deem it necessary before the 5th respondent categorically stating that the petitioner shall abide the lease conditions strictly and on such filing of the undertaking affidavit, the lease granted to the petitioner shall be restored forthwith. No order as to costs.

Miscellaneous Petitions pending, if any, in this writ petition shall stand dismissed.

CHALLA KODANDA RAM,J

Date:20.04.2016.
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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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