

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.15576 OF 2008

ORDER:

The relief sought for in this Writ Petition is to declare the action of the second respondent, in conducting auction pursuant to the auction notice, for grant of leasehold rights, vide proceedings dated 01.05.2008 in so far as it related to an extent of Acs.2.73 cents of agricultural land in Survey No.340, and an extent of Ac.0.63 cents in Survey No.363 of Pulimaddi Village, Nandyal Mandal, as arbitrary and illegal.

The case of the petitioner is that, under Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 ("the Act" for brevity), an option is given to an assessee to purchase lands for a consideration of seventy-five per-cent of the prevailing market value of similarly situated lands at the time of purchase; the first respondent was bound to consider whether the petitioner is a landless poor person, and whether they should be permitted to purchase the land or not; no such enquiry was conducted; and, even without an enquiry being conducted, the respondents were seeking to dispossess the petitioner from the subject land.

Except for a vague averment that the second respondent has been continuing the petitioner's lease after every spell of five years, except for the leased area they do not have any other lands, and they are landless poor persons, the petitioners have not produced any evidence to show that the subject lands were given to them on lease.

In the counter-affidavit, it is stated that the subject lands were given to one Sri Vijay Singh on lease for a period of three years i.e from 1994 to 1996; the lease period expired in the year 1996 itself; after rules were framed under Section 82 of the Act, vide G.O.Ms.No.379 dated 11.03.2003, the second respondent had issued notice to Sri Vijay Singh who acknowledged receipt of the notice on 23.05.2003, but failed to take any steps to have himself declared as a landless poor person; the petitioner is not even a tenant, and lacks locus standi to maintain the Writ Petition; the Writ Petition was filed on false and frivolous grounds; auction was conducted on 18.06.2008 in respect of the subject lands, pursuant to the auction notice dated 01.05.2008, wherein nine persons participated; the auction was knocked down for a sum of Rs.20,500/- in favour of one Sri M.Ravi, who deposited the entire amount on 18.06.2008; after conclusion of the auction proceedings, the reports, along with the entire auction proceedings, were submitted to the Commissioner of Endowments on 25.06.2008; and it is only thereafter that the petitioner had invoked the jurisdiction of this Court and obtained *ex parte* orders on 21.07.2008 by suppressing true and correct facts.

It is further stated that the receipt dated 08.06.2008 was issued in the name of Sri B.Vijay Singh who was the tenant, of the respondent, for a period of three years which ended by 1996; the said receipt does not confer any legal right in favour of the petitioners; it is not correct to allege that the writ petitioner is a landless person, and he is eligible to purchase the land; as the petitioner is not even a tenant of the subject land, there is no lease

in his favour; his claim to be a landless person is not true; and he has no right to stall the auction proceedings.

No affidavit has been filed by the petitioner in reply to the counter affidavit filed by the respondents. A bare perusal of the receipt, enclosed along with the Writ Petition, shows that it was issued by the respondent-Mattam in the name of Sri B. Vijay Singh in whose favour the lease was granted for a period of three years from 1994 to 1996. The specific assertion in the counter-affidavit, that the petitioner is neither a tenant of the subject lands nor is he a landless poor person, remains uncontroverted. It does appear that the petitioner has suppressed relevant and material facts, and has sought to mislead this Court placing reliance on a receipt issued in favour of the lessee, and claiming that it is he who is in possession of the subject property. I see no reason, therefore, to grant the petitioner, the relief sought for in this Writ Petition.

The Writ Petition fails and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, ACJ)

17th February 2017
RRB