

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20519 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action of the respondents in taking steps to conduct the auction of leasehold rights in respect of the land of an extent of Acs.3.40 cents situated at Yadavolu, Chinnayyagudem Revenue Village, Devarapalli Mandal, west Godavari District, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that he is a landless poor person and is cultivating the land of an extent of Acs.3.40 cents belong to the 4th respondent temple, and continuing as a tenant long prior the Endowments Act 1987, and that the lease in favour of the petitioner is being extended from time to time and that the petitioner is continuously paying the lease amount. The 3rd respondent also declared the petitioner as a small farmer. While so, the 4th respondent, without giving any intimation to the petitioner, sought to conduct auction for the leasehold rights in respect of the above said land in the month of May 2017. Since no person came forward to participate in the auction, the auction was not conducted. Thereafter, the petitioner made a representation on 28.05.2017 to the 3rd respondent with a request to continue his leasehold rights in respect of the said land. But, no action has been taken by the authorities concerned, so far.

Learned counsel for the petitioner submitted that the petitioner is a continuous lease holder of the said property and he has no other source of income and that he was also certified as a landless poor by the Tahsildar and the petitioner made a representation to the 3rd respondent

by stating all these facts, but the 3rd respondent is not passing any orders on the said representation and in the meantime, the 4th respondent is trying to conduct auction for the leasehold rights in respect of the said property.

Considering the circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, this Court is inclined to pass the following order:

“If the representation, dated 28.05.2017, submitted by the petitioner is not considered by the 3rd respondent, the 3rd respondent is directed to consider the same and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.”

With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions pending if any, shall stand closed.

June 23, 2017
KTL

RAJA ELANGO, J