

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 15846 OF 2017

ORDER :

The Writ Petition is filed questioning the notice dated 12.04.2017 putting to auction the agricultural lands belonging to the 4th respondent temple in an extent of Acs. 272.19 cents in Plot No. 63 situated in Survey Nos. 261/1, 2, 253/1, 2 and 234 of Ramanayapalem Village, Parchur Mandal, Prakasam District as illegal and arbitrary.

The case of the petitioners is that they are the lessees of the subject lands and they have been cultivating the same on account of they being the successful bidders in the public auction conducted in the year 2012-13 and the said lease period was expired. However, on account of the drought conditions prevailing in certain parts of the District of Prakasam in 2016-17, the petitioners could not get the yield and suffered huge losses. It is further stated that the Government of Andhra Pradesh itself had declared that certain areas in Ongole District were affected with drought and issued G.O.Ms.No. 10 dated 12.11.2016. In view of the said G.O, the petitioners are entitled to continue to cultivate the above said lands for one more year on the same terms and conditions of the previous year, in view of the operation of Rule 8(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003.

Learned Government Pleader for Endowments as well as learned Standing Counsel for the 4th respondent opposed the Writ Petition.

The facts are not in dispute. Rule 8(3) of the Rules reads as under:

“8(3) Whenever crops fall in a locality due to natural calamities, the lease of lands can be extended for a further period of one year for the same rate without enhancement of the rental. Such relief can be extended only when a serious natural calamity occurs and the Government notifies those Mandals calamity affected Mandals.”

As is evident from G.O.Ms.No.10 dated 12.11.2016 and Annexures thereto, 14 villages of Parchur Mandal in Ongole Division are declared to be drought-prone area by the District Collector, Prakasam District, in his proceedings in R.C.D4/2612/2016 dated 29.11.2016. As there is a statutory protection in favour of the petitioners, the Writ Petition deserves to be allowed.

Accordingly, the Writ Petition is allowed directing the 4th respondent to allow the petitioners to cultivate the above said lands for the agricultural year 2018-19. It is made clear that the benefit of Rule 8(3) of the Rules is only restricted for the purpose of this year and the petitioners shall vacate and hand over the said lands on completion of 2018-19 agricultural year. No order as to costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

27th April 2017
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