

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.14032 of 2011

Heard learned counsel for the petitioner, Smt.K.Lalitha, learned Standing Counsel for the fifth respondent-temple, and the learned Government Pleader for Endowments apart from perusing the material available before the Court.

In the present Writ Petition challenge is to the action of the fifth respondent in contemplating to auction the leasehold rights of the lands admeasuring Ac.1.93 cents in R.S.No.200/1 and Ac.2.59 cents in R.S.No.200/2 of Vemuluru village, Kovvur Mandal, West Godavari District vide notification dated 01.05.2011. The sum and substance of the Writ Petition is that, as against the order passed by the Assistant Commissioner of Endowments-fourth respondent, rejecting the claim of the petitioner herein for the status of landless poor person, the petitioner herein preferred appeal No.5/2011 before the Regional Joint Commissioner of Endowments, Kakinada-third respondent and the same is pending.

This Court, while admitting the Writ Petition on 11.05.2011, granted interim stay of auction for the leasehold rights of the subject lands in W.P.M.P.No.16962 of 2011. The said order was subsequently extended until further orders on 28.06.2011 and the same is subsisting till date.

In the counter-affidavit, filed by the fifth respondent-temple, it is stated that, since there is no interim order in operation over the order of the Assistant Commissioner of Endowments-fourth respondent, the petitioner cannot find fault with the impugned action. At the hearing, it is submitted by the learned counsel for the petitioner that till date the appeal is pending consideration before the third respondent herein. Therefore, having heard the learned counsel for the petitioner, learned Standing Counsel and having regard to the nature of controversy, and as the appeal is a substantive right, this Court deems it appropriate to direct the Regional Joint Commissioner of Endowments, Kakinada-third respondent to dispose of the appeal No.5/2011 filed by the petitioner herein against the order of rejection passed by the Assistant Commissioner of Endowments-fourth respondent, dated 15.12.2010, by continuing the interim order granted by this Court.

For the aforesaid reasons, the Writ Petition is disposed of directing the Regional Joint Commissioner of Endowments, Kakinada-third respondent to dispose of Appeal No.5/2011 filed by the petitioner herein against the order of the Assistant Commissioner of Endowments-fourth respondent passed vide proceedings dated 15.12.2010 within a period of six weeks from the date of receipt of a copy of this order, after giving notice and

opportunity of hearing to the petitioner. Till the said exercise attains finality the interim order dated 11.05.2011 passed by this Court in W.P.M.P.No.16962 of 2011 shall continue to operate.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

A.V.SESHA SAI

13th June, 2017.
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