

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 43017 OF 2016

ORDER :

The case of the petitioner is that in the open auction conducted on 04.06.2015, he became the successful bidder and hence, he was assigned the leasehold rights in respect of the agricultural land over an extent or Acs.8.41 ½ cents in Survey Nos. 102/1A, 1B, 1C of Vakalapudi Village, Kakinada, Andhra Pradesh after the approval accorded by the 3rd respondent Regional Joint Commissioner on 06.08.2015, for a period of three years i.e. up to 06.08.2018. While so, the lease was revoked *vide* proceedings dated 27.11.2015 alleging that the petitioner was found to be utilizing the land for running a mess and also for conducting Christian prayers. The petitioner, therefore, filed Writ Petition No. 4970 of 2016. The said Writ Petition was disposed of on 20.04.2016, directing the petitioner to file an affidavit before the 5th respondent undertaking that he would abide by the lease conditions strictly, subject to which, the lease was ordered to be restored in his favour, forthwith. Once again, when the petitioner had erected a temporary shed for storing the usufruct of the agricultural land, the same was pulled down by the 5th respondent high-handedly, on 01.12.2016, without issuing any notice. Challenging the said action, the petitioner filed this Writ Petition, wherein an interim order of *status quo* was passed on 09.12.2016.

The 5th respondent filed the counter-affidavit, wherein it has been set out that though the subject land was given on lease, for carrying out the agricultural operations, since the petitioner has violated the conditions, the lease was revoked, but the same was

restored on the petitioner filing an undertaking before the 5th respondent, as directed by this Court. However, once again, the petitioner had violated the lease conditions making a huge construction in the subject land. The said constructions were removed as the petitioner is propagating other than Hindu religion in the land belonging to the Endowments Department.

Heard learned counsel for the petitioner.

Learned Standing Counsel asserts that no mercy is required to be shown in the present case as the petitioner had violated the lease conditions even after giving the undertaking.

Having considered the respective submissions, as this Court is not sitting in appeal over the decision of the respondents and admittedly there being violation, this Court is not inclined to interfere with the same. However, as no notice was given to the petitioner before removing the structures in the subject land, this Court is of the view that an opportunity may be given to him to approach the 4th respondent and make a representation. If the 4th respondent satisfies with the future acts and conduct of the petitioner, subject to imposing certain conditions, he may consider allowing the petitioner to continue in the subject premises till the expiry of lease period. Subject to the condition of the petitioner approaching the 4th respondent within two weeks from the date of receipt of a copy of this order, the latter shall take appropriate decision. Till then, the petitioner shall be allowed to continue in the said premises.

With this, the Writ Petition stands disposed of. No costs.

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

CHALLA KODANDA RAM, J

09th February 2017

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