

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 13274 OF 2017

ORDER :

The Notification dated -NIL- issued by the 3rd respondent Inspector, Endowments Department, Kandukur proposing to auction the leasehold rights in respect of the land in an extent of Acs.43.70 cents in Survey No. 143 situated in Singamaneni Palle Revenue Village, Valetivaripalem Mandal, Prakasam District, belonging to the 4th respondent Devasthanam, is under challenge in this Writ Petition.

The case of the petitioners is that they have been cultivating the subject land, on lease, since several years and have been paying the lease amount to the 4th respondent Devasthanam regularly. It is their further case that they have submitted the Applications dated 10.04.2017 to the 2nd respondent Assistant Commissioner of Endowments to declare them as landless poor persons and give them the protection under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, 'the Act'). However, without considering the same, the impugned notification has been issued.

Learned counsel for the petitioners contends that the petitioners were not issued the public notice, as contemplated under the Rules and the same is evident from the certificate issued by the Sarpanch of the Village.

Heard learned Government Pleader for Endowments as well as Sri A. Srikanth Reddy, learned Standing Counsel for the 4th respondent Devasthanam.

Having considered the submissions made on either side, *prima facie*, this Court is not satisfied with respect to the claim of the petitioners that they are entitled to the benefit of Section 82 of the Act, inasmuch as, the provisions of the Act as well as the Rules made thereunder clearly prescribe that the benefit of landless poor persons is to be continued to such of those persons who were in possession and enjoyment of the Endowments lands as on the date of the 1987 Act coming into force and the same is not available for the lessees, who have taken the lands on lease subsequent thereto.

In the present case on hand, the petitioners were in possession of the subject land pursuant to the public auction conducted in 2005, as is evident from the proceedings of the Deputy Commissioner, Endowments Department, Guntur, dated 18.10.2005. In those circumstances, the Applications filed by the petitioners to declare them as landless poor, are not required to be dealt with in any manner. Once it is evident that the petitioners came into possession of the land in terms of the auction conducted in 2005, merely because they were continued from time to time by extending the lease by the Executive Authority, cannot bestow any right in their favour to seek further extension of the lease, as it is a well-settled principle that any property of the Endowments or religious institution can be leased out only through public auction, as is mandated under Section 82 of the Act. So far as the allegation of the petitioners that proper publication has not been issued is concerned, there is no material placed before this Court except the certificate alleged to have been issued by the Sarpanch. In that view of the matter, this Court is not inclined to interdict the public auction proposed to be conducted on 15.04.2017. However,

liberty is given to the petitioners to participate in the public auction.

The Writ Petition is accordingly, dismissed. No costs.

Consequently, the miscellaneous Applications, if any shall also stand dismissed.

CHALLA KODANDA RAM, J

13th April 2017

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