

THE HONB'E SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12672 OF 2017

ORDER:

The writ petition is filed questioning the action of the respondents in not extending the lease period for a period of one year pursuant to Gazette Notification of drought hit Mandals pursuant to the representation of the petitioner dated 06.04.2017.

It is the case of the petitioners that they are the lessees of the lands situated in Sy.No.91 to an extent of Ac.7.06 cents and in Sy.No.650 to an extent of Ac.4.50 cents respectively situated in Ananthavaram Village and Tangutur Village, Tangutur Mandal, Prakasam District. The petitioners are cultivating the said lands on account of they being the successful bidders in the public auction conducted in the year 2014 and the lease period was expired by March, 2017. However, on account of the drought conditions prevailing in certain parts of the District of Prakasam in the year 2016-17, 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 a G.O.Ms.No.87 dated 21.11.2016. 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 (for short, "the Rules").

Learned Government Pleader for Endowments as well as the learned standing counsel for the respondents 6 and 7 opposed the writ petition.

Having considered the respective submissions, 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.80 dated 21.11.2016 and annexures to the said G.O. that the revenue division of Tangutur area in Ongole division, 19 villages of Tangutur Mandal are declared to be drought affected, 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 7th 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.

Miscellaneous Petitions, if any, pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM,J

Date:11.04.2017,

Note:

Issue CC in 2 days.B/o.Gk.

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Gk.