

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE T.RAJANI

WRIT APPEAL NO.1898 OF 2005

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred by the highest bidder in the auction. The appellant herein, the highest bidder in the auction, is the fourth respondent in the Writ Petition.

The first respondent herein filed the Writ Petition to quash the order passed by the Regional Joint Commissioner of Endowments, Tirupati in Appeal No.49 of 2003 dated 19.06.2004 rejecting his claim to be a landless poor person, and to be entitled to the benefits under Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (the "Act" for short). By the order under appeal, the learned Single Judge set aside the order passed by the Regional Joint Commissioner and remanded the matter to the Assistant Commissioner of Endowments, Ongole with a direction to conduct a fresh enquiry into the matter, and pass appropriate orders after giving a notice to the petitioner. It is only on the ground that the first respondent herein was not a landless poor person, that the subject lands were put to auction. The right of the first respondent herein to be declared a landless poor person is required to be adjudicated in accordance with law independent of the auction conducted by the respondent-Temple for lease of the subject lands. The mere fact that the appellant herein was the highest bidder in the auction would not disable the first respondent herein from

having his claim to be a landless poor person adjudicated in accordance with law. We find no error in the order of the learned Single Judge necessitating interference in proceedings under Clause 15 of the Letters Patent.

The Writ Appeal fails and is accordingly dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, ACJ)

29th June 2017
RRB



(T.RAJANI, J)