

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 14336 of 2017

ORDER:

Petitioner questions the interference of respondents in his day-to-day agricultural activities without disposing of the application dated 04.03.2017.

It is the case of the petitioner that, originally, his ancestors were the owners of the subject land, however, the same has been endowed in favour of Sri Kodanda Rama Swamy Temple. Petitioner was determined as a small farmer entitling the benefit, under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and [Endowments Act](#), 1987 (the Act), for continuation of tenancy in his favour and has been continuing to cultivate the subject land. Now, the impugned notice dated 12.01.2017 was issued to the petitioner asking him to submit particulars, in relation to his financial status, to consider whether he continued to be a small farmer.

Smt K.Lalitha, learned Standing Counsel for respondent No.5 – Temple, submits that, in view of amendment in 2015 to Rule 3 of the A.P.Charitable and Hindu Religious Institutions and Endowments lease of Agricultural Lands Rules, 2003 (for short ‘the Rules’), the status of a small farmer is required to be determined every three years as per G.O.Ms.No.425 and, as such, the impugned notice has been issued; and the petitioner, except making a simple representation, had failed to enclose necessary documents

and particulars to support his claim whether he continues to be a small farmer or not.

Having considered the respective submissions, interest of justice would be served, if a direction is issued to respondent No.4 to consider the petitioner's eligibility to be declared as a small farmer on his furnishing necessary particulars, to support his claim that he is entitled for the benefit under the amended provisions of Rule 3 of the Rules, within a period of four weeks from the date of receipt of a copy of this order. On furnishing such information, within the aforesaid period, respondent No.4 shall consider the same, and pass appropriate orders thereupon, in accordance with law within four weeks thereafter. Till such time, petitioner shall continue to cultivate the land in his possession.

With the above observations, Writ Petition stands disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 21.04.2017
usd

