

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8846 OF 2017

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, seeking to declare the action of the respondents in issuing impugned public notice proposing to put to public auction the leasehold rights in respect of land Ac.5-20 cents in survey No.65 (Bit No.4) and Ac.5-20 cents in survey No.65 (Bit No.5) of Sri Mukhalingam Village, Jalumuru Mandal, Srikakulam District, without considering the representation of the petitioner, dated 09.03.2017, for extension of lease, as arbitrary and illegal.

2. In the affidavit filed in support of the petition, it is stated that the petitioner is a resident of Mukhalingam Village of Srikakulam District. The 3rd respondent temple owned certain lands in the said Village. The Executive Officer of the temple put the leasehold rights in public auction to lease out the lands. The petitioner participated in the auction and became the highest bidder. The petitioner has to give 116 bags of paddy @ 11 ½ bags per acre towards lease. From the year 2014, the petitioner has been paying the lease regularly without any default. During the last three Fasli years due to unfavourable climatic conditions, the crop was damaged and he incurred heavy loss. As the lease period is going to expired, the petitioner submitted a representation on 09.03.2017 to the 3rd respondent requesting him to renew his lease for a further period of three years on payment of enhanced lease of 12 ½ bags paddy per acre from 11 ½ bags per acre. But, respondents 2 and 3 did not consider his representation and 3rd

respondent issued a public notice proposing to auction the leasehold rights of the temple on 16.03.2017 for the ensuing years 2017-2018 to 2019-2020. Hence, the Writ Petition.

3. Learned Standing Counsel opposes the writ petition and submits that the lease was granted in favour of the petitioner for a fixed term and there is no discretion or power vested with the respondent authorities to extend the lease.

4. Considering the submissions and relevant Rules Governing the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987, it is clear that there is no discretion vested with the authorities to consider the request of the petitioner for extension/renewal of lease. Whenever the authority intends to lease out certain property, it is through public auction only. In those circumstances, no direction can be issued to the respondent authorities to extend/renew the lease basing on the representation of the petitioner. In as much as, the Act as well as the Rules, leasing out the agricultural lands are only through the public auction. Therefore, there is no impediment to the authorities in conducting auction when there is no illegality. The writ petition does not deserve any consideration and no relief can be granted.

5. Accordingly, the Writ Petition is dismissed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J

MARCH 14, 2017
YVL

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM



WRIT PETITION No.8846 OF 2017

Date: 14.03.2017

YVL