

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 22338 OF 2014

ORDER :

This Writ Petition is filed questioning the auction dated 04.08.2014, conferring the leasehold rights in favour of the 5th respondent in respect of the land in an extent of Ac.0.91 cents in Survey No. 481/6 of *Polavaram* Revenue Village in *Mundlamuru* Mandal of *Prakasam* District, and insisting the petitioner to vacate the said land, though the lease granted in his favour is subsisting.

The case of the petitioner is that he has been cultivating the above-said land belongs to the 4th respondent *Sri Malleswara Swamy Temple*, on an annual rent of Rs.200/-, which has subsequently been enhanced from time to time to Rs.1200/-. While so, the 4th respondent conducted auction of the leasehold rights on 04.08.2014 and conferred the same in favour of the 5th respondent, who emerged as the highest bidder. The main grievance of the petitioner is that though he is a small farmer entitled to the protection under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987, Respondents 4 and 5 are trying to dispossess him from the said land. As a matter of fact, the petitioner submitted the Application dated 02.08.2007 to the 3rd respondent Assistant Commissioner of Endowments to continue him as a lessee for the above-said land, keeping in view the fact that he belongs to the landless poor category. So far, the said Application has not been considered is the complaint, which triggered this Writ Petition.

A counter-affidavit is filed on behalf of the 4th respondent denying the claim of the petitioner to be a small farmer.

This Court, on 06.08.2014, while issuing *rule nisi*, granted stay of dispossession of the petitioner from the subject lands, considering the fact that his Application dated 02.08.2007 to declare him as a small farmer was pending.

Sri A. Srikanth Reddy, learned Standing Counsel for the 4th respondent placed on record the proceedings, dated 04.05.2015, whereby the Application of the petitioner seeking to declare him as a small farmer, in terms of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Lease of Agricultural Lands) Rules, 2003, was rejected.

Inasmuch as the Application of the petitioner was rejected holding that he is not a small farmer, the Writ Petition stands disposed of leaving it open to the petitioner to work out his remedies, if he is so advised *vis-a-vis* the proceedings dated 04.05.2015. It is made clear that in the event the 4th respondent temple conducts auction of the leasehold rights of the subject land, the petitioner shall also be entitled to participate therein, in his individual and independent capacity. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

05th January 2017

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