

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION Nos.29714, 29737 & 29743 of 2017

COMMON ORDER:

Since the sum and substance of the grievance of the petitioners, in all these cases is the same, this Court deems it appropriate to dispose of these three matters by way of this common order.

Petitioners claim to be the tenants of the fifth respondent-temples in respect of the agricultural lands situated at Kumaradevam, Vemuluru and Peddevam villages, Kovvur Mandal, West Godavari District. The grievance of the petitioners, in all these Writ Petitions, is that, despite the orders passed by the Regional Joint Commissioner, Multi Zone-I, Kakinada, East Godavari District, dated 25.10.2011, declaring the petitioners as small farmers vide Appeal Nos.7, 5 and 6 respectively, the Executive Officer of the fifth respondent-temples cancelled the leases of the petitioners herein.

On the other hand, it is the submission of the learned Standing Counsel and the learned Government Pleader for Endowments that the status of the tenants, as to the claim of small farmers, needs to be verified for every three years and it is for the petitioners herein to substantiate their stand by producing cogent evidence before the authorities.

In these Writ Petitions, admittedly, by virtue of proceedings in Rc.No.A4/1325/2017 Adm, dated 14.03.2017, Rc.No.A4/1325/2017 Adm, dated 14.03.2017 and Rc.No.A4/1324/2017, Adm, dated 14.03.2017, the Assistant Commissioner of Endowments, Eluru

initiated enquiry and fixed the date as 10.04.2017 for consideration of the claim for the status of landless poor. Even according to the learned Standing Counsel, the said enquiry, as to the status of landless poor, is still pending consideration before the Assistant Commissioner, Endowments. When such enquiry is pending before the Assistant Commissioner of Endowments, this Court does not find any justification on the part of the fifth respondent-temple authorities in passing orders of cancellation of leases, which are the subject-matter of the Writ Petitions.

For the aforesaid reasons, the Writ Petitions are allowed, setting aside the impugned proceedings dated 31.07.2017. However, the rights of the petitioners herein will depend on the enquiry pending before the Assistant Commissioner of Endowments, Eluru, pursuant to the above referred proceedings dated 14.03.2017.

As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

04th September, 2017
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