

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.22331 OF 2017**

**ORDER:**

The case of the petitioners is that they have participated in the auction conducted by the 5<sup>th</sup> and 6<sup>th</sup> respondents in the year 2014 and emerged as highest bidders in respect of the lands situated in Survey No.1/1 to an extent of Ac.3.22 cents, Survey No.69/1 to an extent of Ac.5.65 cents, Survey No.120, to an extent of Ac.5.40 cents, Survey No.1/1 to an extent of Ac.3.76 cents, Survey No.1/1 to an extent of Ac.5.65 cents, survey No.1/1 to an extent of Ac.5.40 cents, Survey No.78 to an extent of Ac.5.25 cents, Survey No.82/4 to an extent of Ac.5.39 cents, Survey No.78 to an extent of Ac.1.56 cents, Survey No.1/1 to an extent of Ac.1.69 cents, Survey No.78 to an extent of Ac.1.56 cents, Survey No.78 to an extent of Ac.5.22 cents, Survey No.78 to an extent of Ac.2.75 cents and in Survey No.1/1 to an extent of Ac.1.96 cents, respectively situated in Davaguduru Village, Jarugumalli Mandal, Prakasam District. The said lease was for a period of three years i.e. by the end of 2016-2017. While so, on account of drought conditions prevailing in certain parts of the Prakasam District in the year 2016-2017, the Government of Andhra Pradesh had declared several villages of Jarugumalli Mandal as drought hit villages vide proceedings in Rc.No.D4/2612/2016, dated 21.11.2016. Meanwhile, the respondents 5 and 6 intimated the petitioners about the expiry

of the lease period. As such, the petitioners have submitted their detailed representation dated 06.05.2017 to the 3<sup>rd</sup> respondent by sending a copy to the other respondents, requesting them to extend the lease period by one year as they incurred huge loss due to severe drought in the year 2016-2017, by taking into consideration the Gazette Notification dated 21.11.2016, wherein Davagudur village was declared as drought affected village. But no action has been taken on the said representation. Meanwhile, notice dated 01.07.2017 was issued for auctioning the leasehold rights of the subject lands, proposing to conduct auction on 07.07.2017. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioners submits that since the Davaguduru village in which present subject lands fall was declared as drought affected area by the Government, petitioners are entitled for extension of lease for one more year in view of the operation of Rule 8(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 (*for short 'the Rules'*). But the respondent authorities issued impugned auction notice which is illegal. He also placed reliance on the Judgment 11.04.2017 passed by this Court in WP.No.12672 of 2017.

On the other hand Sri A.Srikanth Reddy, learned Standing Counsel for the 6<sup>th</sup> respondent submits that Rule

8(3) comes into play only when crop is damaged due to natural calamities, and lease can not be extended for a period of one more year; and that had the petitioners made application well in advance, the 3<sup>rd</sup> respondent could have decided the same, but, the petitioners made application only on 06.05.2017.

Rule 8(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 reads as follows;

“8(3) Whenever crops fail in a locality due to natural calamities, the lease of lands can be extended for a further period of one year for the same rate without enhancement of the rental. Such relief can be extended only when a serious natural calamity occurs and the Government notifies those Mandals calamity affected Mandals.”

Though, learned counsel for the petitioners states that the subject lands fall under drought area, which was declared as drought hit area by the Government, whether crop failed due to natural calamity is a factual aspect and that can be decided by the competent authority.

In view of the above, the 4<sup>th</sup> respondent is directed to consider and pass orders on the application of the petitioners dated 06.05.2017 in terms of Rule 8(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003, and communicate the same to the petitioners. Meanwhile, auction may go on, but

the same shall not be finalised till passing of orders by the 4<sup>th</sup> respondent on the application of the petitioner.

With the above direction, the writ petition is disposed of.  
No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

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**A.RAJASHEKER REDDY, J**

06.07.2017  
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