

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.11963 OF 2010

ORDER:

The relief sought for in this Writ Petition is to declare the action of the third respondent temple, in proposing to auction the leasehold rights of the dry lands in possession of the petitioner, as arbitrary and illegal. A consequential direction is sought to set aside the auction notice dated 19.05.2010. The petitioner claims that his grand-father was granted lease of the subject lands; after his grand-father, his father had enjoyed, and was in possession of the subject property as a lessee; after the death of his father, his mother was recognised as a lessee of the temple land in the year 2004; and as both he and his mother were small/marginal landless poor, they were entitled to continue as lessees of the subject temple lands.

The petitioner is aggrieved by the proposal of the third respondent to conduct an open auction, of the lease hold rights of the temple land, as on 29.05.2010. This Court, by order in WPMP No.15079 of 2010 in W.P. No.11963 of 2010 dated 26.05.2010, permitted the petitioner to make an application to the Assistant Commissioner seeking a declaration that she is a landless poor and, on such application being filed, the second respondent was directed to dispose of the same within a period of two weeks. In the meanwhile, auction of the leasehold rights was directed not to be confirmed.

In the counter affidavit, filed by the Assistant Commissioner, Endowments, it is stated that, since the petitioner was granted leasehold rights in the year 2004 as she was the highest bidder in the public auction, she cannot claim to be a landless poor person entitled for protection under Section 82 of the Endowments Act; despite the

interim order passed by this Court, the petitioner had failed to make an application claiming to be a landless poor person; by the date of the order, the Assistant Commissioner, Endowments had approved the highest bid to be received in the auction; however, since the highest bidder failed to comply with the auction conditions, the said lease was cancelled, and a fresh public auction was conducted on 03.09.2010 wherein one Sri P. Ramalingeswara Rao became the highest bidder; and the petitioner cannot claim, as of right, to continue as a lessee of the subject temple lands.

It is evident, from the counter-affidavit, that the petitioner did not pursue her claim to be a landless poor person by submitting an application to the Assistant Commissioner in accordance with the interim order passed by this Court. As lease of the subject lands has, subsequently, been granted by way of public auction, I see no reason to interfere with the auction conducted by the respondents in this regard. The Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 17.11.2017.

MRKR