

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

THURSDAY THE NINETH DAY OF NOVEMBER
TWO THOUSAND AND SEVENTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 11523 OF 2010

Between:

Uppala Vijayamma

...

Petitioner

V/s.

The Executive Officer
Sri Kailasanatha Swamy Temple,
Brahmadevam village,
Muthukur Mandal,
Nellore district & Anr.

...

Respondents



Counsel for the Petitioner:

Sri T. Balaji

Counsel for the Respondents:

Sri Ambati Srikanth Reddy

The court made the following:

[order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAIWRIT PETITION NO. 11523 OF 2000ORDER :

Heard the counsel for the petitioner, Sri K.Srinkanth Reddy for Respondent No.1 and learned Government Pleader for the second respondent, apart from perusing the material available on record.

2. In the present writ petition, challenge is to the action of the 1st respondent-Temple in proceeding with the auction of the lease hold rights of the land admeasuring Ac.4-48 cents in Sy.No.209 situated at Brahmadevam village, Muthukur Mandal of Nellore District, pursuant to auction notice dated 05/05/2010.

3. According to the petitioner, she came into possession of the subject land as lessee in the year 2003 and has been continuing as lessee subject to payment of Maktha of 86 bags per annum. The cause of action for filing the present writ petition is the auction notice dated 05/05/2010 issued by the 1st respondent, proposing to auction the lease hold rights of the subject land for a period of three years, commencing from 2010-11 to 2012-13. According to the learned counsel for the

petitioner, the impugned action of the first respondent is highly illegal, arbitrary, unreasonable, violative of Article 14 of the Constitution of India and contrary to provisions of Section 82 of the Endowments Act and the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Lease of Agricultural Lands) Rules, 2003 notified vide G.O.Ms.No.379 Revenue (Endowments-I) Department dated 11/03/2003. It is the further submission of the learned counsel for the petitioner that the petitioner herein is a landless poor person and is entitled for the benefit under the above provisions of law.

4. A counter affidavit deposited by the 1st respondent is filed stating that though this Court on 09/05/2010 in WPMP.No.14620 of 2010 directed the petitioner herein to submit an application before the Assistant Commissioner of Endowments, claiming the status of landless poor, the petitioner herein did not file the said application.

5. Today, when the matter is taken up, learned counsel for the petitioner has placed on record a copy of the application submitted by the petitioner herein to second respondent-Assistant Commissioner of

Endowments, Nellore, dated 22/05/2010, claiming status of landless poor person. In fact, acknowledgment received from the office of the Assistant Commissioner, Endowments, Nellore, bearing the date of receipt as 24/05/2010 is also placed on record. According to the counsel for the petitioner, pursuant to the interim orders, the petitioner herein is continuing in possession of the subject property.

6. If that being so, having regard to the above narration and keeping in view the submissions of the learned counsel for the petitioner, this Court deems it appropriate to dispose of the present writ petition with a direction to the **second** respondent to pass appropriate orders on the application dated 22/05/2010 submitted by the petitioner in accordance with law, if not already disposed of, within a period of two months from the date of receipt of copy this order, after giving notice and affording reasonable opportunity to all the stake holders including the petitioner herein. Till the said exercise attains finality statusquo as on today shall be maintained. It is further made clear that

this arrangement holds good only if the application of the petitioner herein, claiming landless poor status is pending as on today.

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

JUSTICE A.V. SESA SAI.



09/11/2016
I s L / V L K.

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 11523 OF 2010



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