

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

WRIT PETITION No.30756 of 2017

ORDER:

Heard Sri P.Gangirami Reddy, learned counsel for the petitioner, learned Government Pleader for Endowments (A.P) for respondent Nos.1 to 3 and Sri A.Srikanth Reddy, learned counsel for respondent No.4.

2. The petitioner emerged as a highest bidder in the public auction held on 18.10.2016 in respect of the leasehold rights of the lands admeasuring Ac.8-21 cents in survey Nos.395 and 369 of Yeruru Village, Chillakuru Mandal, SPSR Nellore District, belonging to respondent No.4 – Temple, for a period of one year commencing from 18.10.2016 to 17.10.2017, subject to payment of lease amount of Rs.1,11,000/- per annum. Accordingly, lease was granted by respondent No.4 in favour of the petitioner.

3. It is submitted by the learned counsel for the petitioner that pursuant to the orders of the Government vide G.O.Ms.No.9, Revenue (DM-II) Department, dated 21.10.2016, the District Collector, SPSR Nellore District issued a notification in Rc.No.D2/2780/2016, dated 22.10.2016, declaring 27 revenue Mandals in SPSR Nellore District as affected by drought during the south west monsoon-2016 to enable the farmers to avail credit facilities and to take up relief operations. Chillakur Mandal, wherein the subject lands are situated, is one among them and stands at serial No.24 of the said notification. In exercise of the powers conferred under Section 82 read with

Section 153 (1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, the State Government framed the Rules called “The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003” (for short, the Rules). Rule 7 of the Rules mandates that all leases shall be by public auction and Rule 8 thereof deals with the lease period. By way of a notification vide G.O.Ms.No.92, dated 30.01.2008, the State Government inserted Sub-rule 3 to Rule 8. Sub-rule 3 of Rule 8 of the Rules reads as under:

“ **8. Lease Period:-** (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 rentals. Such relief can be extended only when a serious natural calamity occurs and the Government notifies those mandals as calamity affected Mandals.”

4. It is the further submission of the learned counsel for the petitioner that the petitioner submitted an application on 28.03.2017 to respondent No.3, seeking extension of the lease period for one more year on the ground of drought obviously in terms of Rule 8(3) of the Rules, but no action has been taken so far. He further submitted that without considering the said representation, respondent No.3 is proceeding with the process of auction of the subject lands contrary to the Rules.

5. Having heard the learned counsel for both sides and having regard to the provisions of Rule 8(3) of the Rules, this Court deems it appropriate to dispose of the present writ petition with a direction to respondent No.3 to consider the

representation dated 28.03.2017 said to have been submitted by the petitioner, strictly in accordance with law, and to pass appropriate orders thereon after hearing the petitioner, within a period of six weeks from the date of receipt of a copy of this order. Till then, the petitioner shall not be dispossessed from the subject lands.

6. Accordingly, the writ petition is disposed of. Miscellaneous petitions, if any pending in this writ petition shall stand disposed of. There shall be no order as to costs.

Date: 12.09.2017
TJMR

A.V. SESA SAI, J

