

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19818 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is preferred seeking to declare the action of the respondents in not considering the representations of the petitioner, dated 18.01.2014, 15.07.2014, 10.09.2016 and 13.06.2017, for grant of lease in favour of Sri Krishna Educational Institutions, Guntur to run Sri Krishna Junior College on the land admeasuring Acs.2.00 cents in D.No.488 of Pedakakani Village and Mandal, Guntur District, belonging to the 4th respondent temple, despite recommendations by the Executive Officer, as illegal and arbitrary and consequently, direct the respondents to consider the said representations.

Heard and perused the material available on record.

The petitioner is an educational institution. It is the case of the petitioner that it is running a Junior College in the subject land by entering into an agreement with M/s.Nagarjuna Educational Institutions for 11 years on annual rent of Rs.17,500/-.. Subsequently, the petitioner came to know that the land originally belong to 4th respondent temple and the said Nagarjuna Educational Institutions is a lessee and it sub-leased the said land to the petitioner. On coming to know about the original owner of the property, the petitioner made a representation to the Executive Officer of the 4th respondent requesting him to grant lease in favour of the petitioner stating that it is willing to pay the arrears of rent, if any, by M/s.Nagarjuana Educational Institutions and also agreeing to pay the annual rent at Rs.42,000/- per acre from the date of agreement and also willing to pay enhanced rent at 33 1/3 % on the existing rent i.e. 42,000/- per acre. But, no action has been taken by

the authorities. While so, on 13.06.2017, the Executive Officer of the 4th respondent erected a flexi in the premises of the college stating that since the college management is not paying rents to the temple, the temple would take over possession of the college. Immediately, the petitioner made representations and recently on 13.06.2017 to the respondents requesting to grant lease with regard to the subject land in its favour. But, no action has been taken by the respondents so far on the representations of the petitioner. Hence, this writ petition.

Though various grounds are raised in the writ petition, the learned counsel for the petitioner restricts his prayer seeking a direction to the respondents for consideration of the representations made by the petitioner at an early date.

Learned Standing Counsel for the respondents would submit that the respondents would consider the representations of the petitioner in accordance with law.

Considering the submissions of the learned counsel for both sides, without expressing any opinion on merits, this Court is inclined to pass the following order:

The Writ Petition is disposed of directing the respondents to consider the representations submitted by the petitioner, dated 18.01.2014, 15.07.2014, 10.09.2016 and 13.06.2017 and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of eight (8) weeks from the date of receipt of a copy of this order. Miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

RAJA ELANGO, J

June 19, 2017
KTL