

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 22392 OF 2009

ORDER :

This Writ Petition is filed questioning the order of the 1st respondent dated 6.2.2008, confirming the order of the 2nd respondent, dated 30.10.2006.

2. By the impugned proceedings, the 1st respondent stated that the late father of appellants was not lawful tenant and his legal heirs are not entitled to succeed the tenancy right and therefore, they are not eligible to seek declaration as land less poor tenants u/s 82 of the Act.

3. Counter affidavit has been filed by the 3rd respondent stating that the father of the Writ Petitioners is an encroacher himself and not tenant inducted by the Department and further he is not having any lease approval orders. The ATC No.19/2001 filed by the father of the petitioners was also dismissed on 20.12.2002. The Executive Officer was appointed to the temple on 18.5.1999 and from that date, the land in question is in possession of the temple and further the land is still vacant.

4. Heard the Counsel for the petitioners and the Standing Counsel for the respondents.

5. The Standing Counsel submits that as per the amended rules framed under G.O.Ms.No.419, dated 09.11.2015, the Assistant Commissioner, Endowments Department has been conferred the power to enquire about the status of landless poor persons for every three years.

6. In view of the above G.O.Ms.No.419, dated 09.11.2015, the cause in the Writ Petition does not survive and the Writ Petition is dismissed. However, the petitioners are at liberty to avail the remedies which are available to them as per law.

7. The Miscellaneous Petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

22nd November, 2018

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