

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

WRIT PETITION No.19540 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Endowments and Sri A.Srikanth Reddy, learned Standing Counsel for Endowments, appearing for the respondents.

The auction notification, dated 04.06.2018, proposing to auction the leasehold rights of the subject lands, including other lands of the third respondent-temple, is under challenge in the present Writ Petition.

According to the learned counsel for the petitioner, as per the provisions of Rule 8 (3) of the A.P.Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 (for brevity, 'the Rules'), notified vide G.O.Ms.No.379 Revenue (Endo.I) dated 11.03.2003, petitioner herein is entitled for extension of the said lease for a period of one year, since the entire Kondepi mandal has been declared as drought affected area by a notification, dated 06.03.2018, issued by the Collector and District Magistrate, Prakasam District.

On the other hand, it is submitted by the learned Standing Counsel that the petitioner herein is not entitled for the benefit, as envisaged under Rule 8 (3) of the Rules, as his

lease period already came to an end in the year, 2017 and, despite the lapse of time, he is continuing in the said land.

In order to adjudicate the issue on hand, it may be necessary to refer to Rule 8 of the Rules, which deals with the lease period. Rule 8 (3) of the Rules reads as under:

“Whenever the crops are failed in the 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 rental. Such relief can be extended only when a serious natural calamity occurs and the Government satisfies these Mandals as calamity effected Mandals”

A reading of the above provision of law, in clear and vivid terms, discloses that, in the event of failure of crops in any locality due to natural calamities, the lease of the lands can be extended for a further period of one year for the same rate without enhancing the rentals. It is also clear from the said provision of law that the said relief can be extended only when a serious natural calamity occurs and the Government satisfies that those areas are calamity effected areas.

In the instant case the lease period of the petitioner herein came to an end in the year 2017 itself and for the last one year, according to the learned Standing Counsel, he is continuing in the said land. Even as per the above said rules the petitioner herein is not entitled for the extension more than

one year. For the aforesaid reasons, this Court does not find any merit in the Writ Petition.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.V.SESHA SAI,J

13th June, 2018

Note:

*Furnish C.C. of the
order within one week..*

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