

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.25584 of 2018

ORDER:-

Heard learned Counsel appearing for the petitioner and the learned Government Pleader for Endowments appearing for respondent Nos.1 and 2, and Smt.K.Lalita, learned Standing Counsel for R.3.

Holding of public auction to lease out the fish tanks, admeasuring Ac.6.56 cents in R.S.No.287 of Nidamaruru village and mandal, West Godavari District, for the period commencing from 01.09.2018 to 30.08.2023, by way of auction notification, dated 24.07.2018, issued by the 3rd respondent is under challenge in the present Writ Petition.

Learned Counsel appearing for the petitioner submitted that the impugned action on the part of the 3rd respondent is highly illegal, arbitrary and unreasonable and violative of Article 14 of the Constitution of India. It is further contended by the learned Counsel that the petitioner herein with a fond hope that the lease would be renewed, invested huge sums of money for conversion of the lands into fish tanks. It is further submitted by the learned Counsel that in respect of the lands, belonging to some other temple, the Assistant Commissioner of Endowments, vide R.C.No.L1/000610/2017, dated 22.02.2017, approved the lease for a period of five years. It is further submitted by the learned Counsel that though the petitioner herein submitted a representation on 26.05.2018, to the 3rd respondent for extension of lease for a further period of two years, in an illegal and arbitrary manner, the 3rd respondent issued the impugned notification, proposing to conduct public auction.

On the other hand, it is submitted by the learned Government Pleader so also the learned Standing Counsel that there is no illegality nor there exists any infirmity in the impugned action and in the absence of the same, the impugned notification is not amenable for any revision under Article 226 of the Constitution of India. In elaboration, it is submitted by the learned Standing Counsel that in view of Rule 4 of the A.P.Charitable & Hindu Religious Institutions & Endowments Immovable Properties and Other Rights (Other than Agricultural Lands) Leases and Licenses Rules, 2003, notified vide G.O.Ms.No.866, Revenue (Endowments-I) Department, dated 08.08.2003, the request of the petitioner cannot be considered.

Rule 4(2)(H) of the above said Rules mandates, in clear and vivid terms, that after completion of license/lease period, no further extension will be granted under any circumstances and it is obligatory on the part of the Executive Authority to conduct Tender-cum-Public auction straight away in the interest of temple or Endowments without taking cover under the pretext of seeking permission of higher authorities to conduct fresh auction. The said provision of law also stipulates that those who are desirous to retain their existing holding may participate in Tender-cum-Public auction and retain their holding if they are successful in the bid. In view of the said provision of law, the petitioner herein cannot ask for extension of lease period.

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

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date:24.07.2018
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