

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No. 25661 of 2018

ORDER:-

Heard learned Counsel appearing for the petitioner and the learned Government Pleader for Endowments for respondents No.1 to 3 and 5, and Smt.K.Lalita, learned Standing Counsel for R.4.

After holding the enquiry, under Rule 3 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003, notified vide G.O.Ms.No.379, Revenue (Endo.I), dated 11.03.2003 (hereinafter, referred to as the Rules'), the Assistant Commissioner of Endowments Department, Rajamahendravaram, passed an Order vide Rc.No.A3/1332/2018Adm., dated 10.07.2018, holding that the petitioners herein would not come under the purview of Section 82(2) Clause 3(3) of the Act 30 of 1987, thereby denying the claim of the petitioners herein as landless poor. Now, by way of a notification, dated 16.07.2018, the respondent-Institution has proposed to conduct public auction for the subject lands.

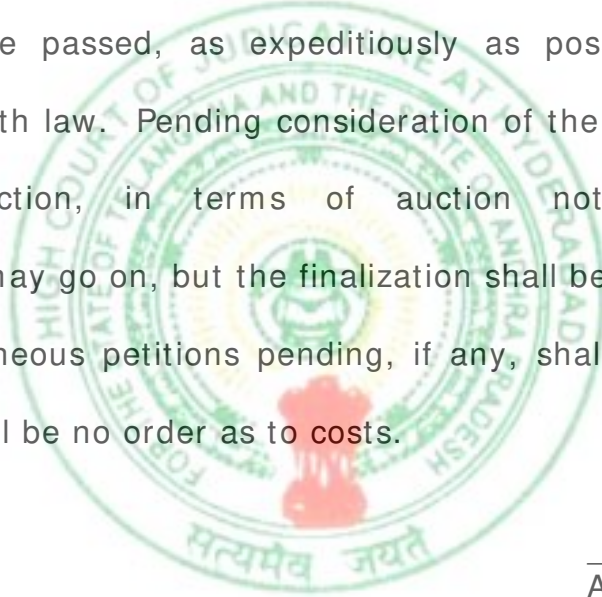
Learned Counsel appearing for the petitioners submitted that without giving any proper opportunity, the Assistant Commissioner of Endowments Department, passed the Order, dated 10.07.2018, refusing to recognize the petitioners as landless poor persons.

On the other hand, it is submitted by the learned Government Pleader so also the learned Standing Counsel for the respondent-Institution that as against the Orders, dated 10.07.2018, passed by the Assistant Commissioner of Endowments Department, appeal lies to the Regional Joint Commissioner and without availing the same, the petitioners herein have directly approached this Court.

A perusal of Rule 4 of the said Rules indicates in clear terms that any person aggrieved by the decision or order made or passed under Rule 3 may prefer an appeal to the Regional Joint Commissioner having jurisdiction, whose decision shall be final.

In view of the said alternative remedy available to the petitioners herein, this Court deems it appropriate to dispose of the Writ Petition, keeping it open for the petitioners herein to file an appeal before the Regional Joint Commissioner/R.2 herein within a period of two weeks from the date of receipt of a copy of this Order. If any such appeal is filed, the same be considered and appropriate Orders will be passed, as expeditiously as possible, strictly in accordance with law. Pending consideration of the said appeal, the proposed auction, in terms of auction notification, dated 16.07.2018, may go on, but the finalization shall be deferred.

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

Note: Issue order copy today.
(B/o.smr)