

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos. 20434 of 2004 and 25715 of 2006

COMMON ORDER:

Since the petitioners and the point involved in both the writ petitions are one and same, both the writ petitions are heard together and disposed of by this common order.

2. W.P.No.20434 of 2004 is filed seeking a writ of mandamus to declare the inaction on the part of respondents in extending protection to the person and property of the petitioners in Sri Samsthanam Choultry, Pithapuram village to an extent of Acs.11.72 cents in Survey No.549 of Tondangi Village and Mandal, East Godavari District, as illegal and arbitrary, while W.P.No.25715 of 2006 is filed seeking a writ of mandamus declaring the proceedings dated 20.11.2006 of the 1st respondent-Satram as illegal and arbitrary and, consequently, to direct the 1st respondent-Satram not to interfere with the possession and enjoyment of the property leased out to the petitioners.

3. Heard Dr. P.B. Vijay Kumar, learned counsel for the petitioners, and learned Government Pleader for Endowments (AP).

4. Case of the petitioners, in brief, is as follows:

Land to an extent of Acs.11.72 cents in Survey No.549 situated at Tondangi Village and Mandal, East Godavari District, originally belonged to Sri Samsthanam Satram – 1st respondent in

W.P.No.25715 of 2006 was leased out to their father during 1983-1984 for a period of six years. Subsequently, the lease was extended from time to time. After the death of their father on 08.04.1995, on a representation dated 24.07.2004 made by the petitioners, Sri Samsthanam Satram extended the lease in their favour vide proceedings dated 28.07.2004, and ever since then, they were in possession and enjoyment of the land. While so, on 11.09.2004 when some anti-social elements entered into the land by putting red flags preventing them from attending the agricultural operations, the petitioners lodged a complaint with Ontimavadi Police Station, but no action has been taken by the police. Questioning the inaction of the police, the petitioners filed the first writ petition. Thereafter, surprisingly, the 1st respondent issued proceedings dated 20.11.2006 informing that the LLP declaration will be cancelled and the petitioners will be dispossessed from the land. Challenging the said proceedings, the petitioners filed the second writ petition.

5. The Government Pleader for Endowments contends that the petitioners defaulted in paying the lease amount to Sri Samsthanam Satram and hence they do not deserve any consideration for renewal of the leasehold rights in their favour.

6. Learned counsel for the petitioners submits that ends of justice would be met, if the petitioners are permitted to make a representation for grant of alternative land to them on lease basis.

7. Having considered the submissions made by the parties, without expressing any opinion on merits, this Court feels that ends of justice would be met, if an opportunity is given to the petitioners to submit a representation to Sri Samsthanam Satram for grant of lease of any alternative land.

8. Accordingly, the writ petition is disposed of with a direction to the petitioners to submit a representation to Sri Samsthanam Satram for grant of lease of any alternative land if it owns, and upon such a representation being made, Sri Samsthanam Satram shall consider such representation and pass orders thereon. While considering the representation of the petitioners, Sri Samsthanam Satram shall take into consideration G.O.Ms.No.425, Revenue (Endowments-I) Department, dated 09.11.2015 and also examine whether the petitioners are landless poor persons. If Sri Samsthanam Satram wants to grant lease of the land only by way of auction, they are at liberty to do so.

Consequently, miscellaneous petitions if any pending in the writ petitions shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

16th April, 2018
cbs

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



WRIT PETITION Nos.20434 of 2004 and 25715 of 2006
(disposed of)

16th April, 2018

cbs