

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25968 of 2007

ORDER:

The writ petition is filed questioning the order, dated 27.10.2007, passed in Appeal No.12 of 2007, on the file of the 1st respondent-the Regional Joint Commissioner of Endowments, Tirupati, whereby the learned Commissioner set aside the order of the 2nd respondent-the Assistant Commissioner of Endowments, Nellore, dated 16.05.2004.

Heard Sri P.Sridhar Reddy, learned counsel for the petitioner, learned Government Pleader for Endowments, appearing for Respondents Nos.1 to 3 and Sri A.Srikanth Reddy, learned Standing counsel, appearing for Respondent No.4 temple.

It has been contended by the petitioner that he is the statutory tenant of respondent No.4 temple in respect of land admeasuring Ac.3.42 cents of dry land, situated in Sy.No.8 of Mypadu village, Indukurpet Mandal, Nellore District. He was paying makta regularly to the temple. The competent authority, i.e., the Assistant Commissioner of Endowments, vide orders dated 16.05.2004, has declared the petitioner as landless poor and based on such declaration, the tenancy was extended in favour of the petitioner. While the petitioner was enjoying the said land as a statutory tenant, respondent No.1 has initiated *suo motu* powers to cancel the orders passed by the 2nd respondent and accordingly, respondent No.1, without giving any opportunity, had mechanically passed the impugned order, dated 27.10.2007. Challenging the same, the present writ petition is filed.

This court while issuing notice before admission, vide orders dated 06.12.2007, granted *status quo*. By virtue of the said interim order, the petitioner was still in possession of the property in question as tenant.

The learned counsel for the petitioner contends that respondent No.1 has no *suo motu* revisional powers to set aside the orders of respondent No.2 and it is only the Government that is the competent authority to do so.

The learned standing counsel for respondent No.4 temple and the learned Government Pleader for Endowments have drawn attention of this court to G.O.Ms.No.425, Revenue (Endowments-I) Department, dated 09.11.2015, issued by the State Government, wherein there was an amendment made to Rule-3 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003, and pursuant to that amendment, the case of the petitioner can be considered.

The amendment to Rule-3 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 made by the State Government vide G.O.Ms.No.425, dated 09.11.2015 is as under:

“Provided the status of every Land Less Poor tenant shall be re-examined once every three years and appropriate orders shall be passed by the Assistant Commissioner having territorial jurisdiction as the economic status of any person is not a constant. It is equally applicable to cases where persons already declared as Land Less Poor tenants shall also be reviewed once every three years henceforth.”

In view of the submissions made by both the parties and in view of the amendment, stated supra, with the consent of both the parties, without going into the merits of the case, the impugned order, dated

27.10.2007 passed by the 1st respondent in Appeal No.12/2007 is set aside, and respondent No.2 is directed to consider and review the case of the petitioner for grant of lease or continuing him as landless poor tenant of respondent No.4 temple, in terms of the amendment made to Rule-3 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003, vide G.O.Ms.No.425, dated 09.11.2015, and pass appropriate orders and communicate the petitioner, within 8 (eight) weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 06.04.2018
Dsr

ABHINAND KUMAR SHAVILI, J

