

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.10605 OF 2019

Date: 25.6.2019

Between:

Peddola Poshetty

.. Petitioner

And

State of Telangana, rep. by its Principal Secretary,
Endowment Department,
Secretariat, Hyderabad and others.

.. Respondents

The Court made the following:



THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.10605 OF 2019

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Respondents 1 and 2 and perused the material on record.

2. According to the petitioner, land in Survey No.47 admeasuring to an extent of Ac.17-01 guntas, in Survey No.222 admeasuring Ac.1-01 guntas situated at Nandigama village, Navipet mandal, Nizamabad district on lease from the 3rd respondent Temple in the year 2008. The lease was for a period of one year and was renewed from time to time. This writ petition is filed challenging the notification issued on 22.5.2019, fixing the date on 30.5.2019 for granting lease by way of public auction for the above extent of land. This notification is primarily challenged on the ground that since the petitioner is in possession and enjoyment of said land for more than six years continuously and being landless poor person, he is entitled to continue as tenant on payment of 2/3rd of prevailing market rent.

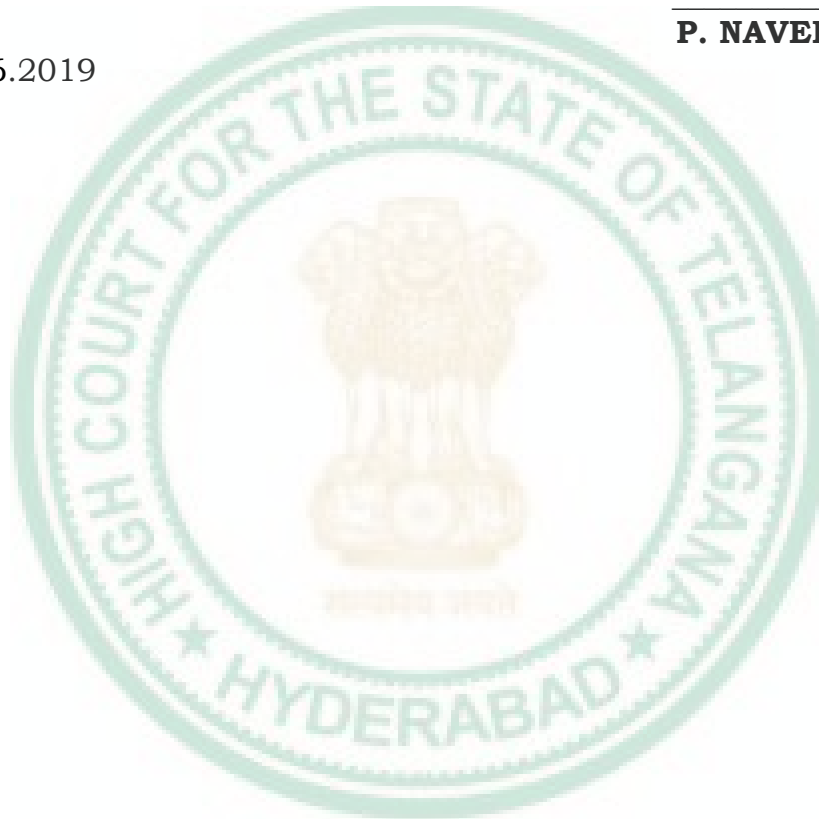
3. A plain reading of sub-section (2) of Section 82 of Endowments Act discloses that persons claiming the benefit under sub-section (2) of Section 82 must fall within the category of landless poor persons as prescribed in the explanation to the section. As per the explanation, a person to be a landless poor person must not have more than two and half acres of wet land either as owner or cultivating tenant and must not have five acres of dry land either as owner or cultivating tenant. Any person who possesses as cultivating tenant land exceeding five acres dry land cannot be treated as landless poor person. Admittedly, in the present case, petitioner is a tenant for more than six years

having obtained lease from the Temple to an extent of more than Ac.18.00 of land, therefore, he is not a landless poor person. Therefore, petitioner is not entitled for the benefit under sub-section (2) of Section 82 of the Act.

4. The writ petition is devoid of merit and liable to be dismissed and is accordingly dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

Date: 25.6.2019
DA

P. NAVEEN RAO, J



THE HON'BLE SRI JUSTICE P. NAVEEN RAO



W.P.No.10605 OF 2019

25.6.2019

DA