



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3310]

FRIDAY ,THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 12152/2024

Between:

Addagalla Manganna

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.RAMBABU KOPPINEEDI

Counsel for the Respondent(S):

1.GP FOR ENDOWMENTS

2.KANDA SRINIVASU SC FOR ENDOWMENTS (KS AND WG)

The Court made the following Order:

The Writ Petition is filed under Article 226 of the Constitution of India,
seeking the following relief:

“..... to issue a writ or order or direction more particularly one in the nature of Writ of MANDAMUS declaring the action of the respondents in conducting public auction on 01-06-2024 by issuing public auction notice dated 18-05-2024 for a period of 3 years from 2024-2025 to 2026-2027 in Sy.No.48/1 to an extent of Ac.2-89 cents, Sy.No.48/2 to an extent of Ac.4.65 cents, total an extent of Ac.7-54 cents situated at Kundalapalli Village, Ambajipeta Mandal, Dr.B.R.Ambedkar Konaseema District,

in lease hold rights for the lands of 6th Respondent temple in possession of the petitioner and also his lease period is still subsisting is illegal, irrational, irregular, arbitrary and against the principles of natural justice and unconstitutional, violative of article 14, 21 of constitution of India and contrary to the provisions of the AP Charitable and Hindu Religious Institutions and Endowments Act, 1987 and rules and consequently declare that the Respondents cannot conduct public auction when the lease period of the Petitioner is subsisting....”

2. Brief facts of the case are that the petitioner is a landless poor person. The father of the petitioner was given lease hold rights by the then management of the 6th respondent-temple in Survey No.48/1 to an extent of Ac.2.89 cents and Survey No.48/2 to an extent of Ac.4.65 cents, total an extent of Ac.7.54 cents situated at Kundalapalli Village, Ambajipeta Mandal, Dr.B.R.Ambedkar Konaseema District (for short “schedule lands”). Since then, the petitioner family members have been cultivating the lands by paying makthas to the 6th respondent-temple. At present the petitioners are cultivating the subject lands by raising coconut trees. The petitioner participated in each auction and became successful bidder each time and paying rents regularly without any default to the lease hold property. While things stood thus, the 6th respondent temple issued public auction notice for the lease hold rights on 25.05.2023. As per the said notice, the auction was scheduled to be conducted on 08.06.2023 at 10:00 A.M., in the temple premises by the Endowment authorities. The petitioner participated in the auction and became successful bidder in the auction. The petitioner participated in the auction by paying deposit amount of Rs.30,000/- on 08.06.2023. Later, the petitioner has

paid entire lease amount of Rs.1,95,000/- to the 6th respondent-temple. The temple authorities handed over the possession of the said land and the petitioner invested huge amounts for cultivation of the said land. Surprisingly, the 6th respondent issued public auction notice dated 18.05.2024 stating that the schedule lands will be conducted public auction on 01.06.2024 at 09:00A.M. at temple premises for lease hold rights for a period of three years i.e., from 2024-2025 to 2026-2027. Even the petitioner's lease period is existing; the respondents have issued public auction notice for lease hold rights of the subject lands. Aggrieved by the present writ petition has been filed.

3. This Court, vide order, dated 13.05.2024, has stayed the auction for the subject lands.

4. The 6th respondent filed counter affidavit denying the allegations made in the writ petition and stated that Sri Venugopala Swamy temple, Chirutapudi Village, Ambajipeta Mandal, Dr.B.R.Ambedkar Konaseema District (for short "subject temple") is published under Section 6(b)(ii) of Act 30/87 and under the administrative control of Deputy Commissioner, Endowments Department, Kakinada. The subject temple having an extent of Ac.2.89 cents in Survey No.48/1 and Ac.4.65 cents in Survey No.48/2, total an extent of Ac.7.54 cents situated at Kundalapalli Village, Ambajipeta Mandal, Dr.B.R.Ambedkar Konaseema District. The Executive Officer of the 6th

respondent temple used to conduct public auction for every three years for the subject lands duly following the Rules under Section 82 of the Act issued through G.O.Ms.No.379, dated 11.03.2003. The petitioner's family members used to participate in the public auction and cultivate the schedule lands as lease holders. But for the period from 2019-2020 to 2021-2022, one P.Nagabhushanam as admitted is the highest bidder and due to some personal reasons, he has not paid the lease amount and hence, the 6th respondent proposed to conduct auction on 08.06.2023 by issuing notice on 25.05.2023 duly following the procedure. In the above said auction, 21 persons gathered at the time of auction and signed in the auction conditions list and 4 persons paid the initial deposit amount and participated in the auction and the petitioner became highest bidder offering an amount of Rs.1,95,000/- per annum for entire extent of Ac.7.54 cents. But the earlier lease for total extent of Ac.7.54 cents is Rs.6,55,000/- per annum and when compared to previous lease, the highest bid amount secured in the public auction held on 08.06.2023 by the petitioner is very low. It is further stated that, Inspector of Endowments Department who supervised the public auction has submitted a report to the 4th respondent vide Lr.No.Nil/2013, dated 12.06.2023 for the lease period of one year i.e., from 2023-2024 to 2024-2025 instead of three years. The same was informed to the petitioner. Pursuant to the report, the 4th respondent vetoed the public auction held on 08.06.2023 for the subject lands and issued proceedings vide L.Dis.in Computer

no.A2/1061/2023, dated 14.06.2023. Pursuant to the orders issued by 4th respondent dated 14.06.2023, as the lease period was elapsed by June, 2024, the 6th respondent has issued public auction notice on 18.05.2024 for conducting public auction scheduled to be held on 01.06.2024 for three years from 2024-2025 to 2026-2027. Therefore, prays to dismiss the writ petition.

5. Heard Mr.K.Rambabu, learned counsel for the petitioner; Mr.P.Srinivas, learned Assistant Government Pleader for Endowments, for respondent Nos.1 to 5 and Mr.Kanda Srinivas, learned Standing Counsel for respondent No.6.

6. On hearing, learned counsel for the petitioner while reiterating the contents urged in the writ petition, submits that, the 6th respondent-temple has issued public auction notice for the lease hold rights of the subject lands on 25.05.2023. As per the said notice, auction was conducted on 08.06.2023 at 10:00 A.M., in the temple premises by the Endowment authorities. The petitioner participated in the auction by paying deposit amount of Rs.30,000/- on 08.06.2023. Later, the petitioner paid entire lease amount of Rs.1,95,000/- to the 6th respondent-temple and the temple authorities handed over the possession of the schedule lands and the petitioner invested huge amounts for cultivation of the said land. He further submits that, when the respondent authorities tried to interfere with petitioner's lease hold rights of lands due to instigation of local politicians, the petitioner filed a suit in O.S.No.196 of 2023

on the file of Junior Civil Judge, Amalapuram and the same is pending for adjudication. He further submits that, the 6th respondent again issued public auction notice dated 19.06.2023 stating that auction will be conducted for schedule lands on 28.06.2023 at 10:00 A.M., at temple premises for lease hold rights for a period of three years i.e., from 2023-2024 to 2025-2026. As the petitioner's lease period still exists, the petitioner filed W.P.No.15219 of 2023 before this Court. At the time of hearing, learned Standing Counsel passed instructions stating that the Assistant Commissioner directed the Executive Officer not to conduct public auction and to cancel the public auction scheduled to be held on 28.06.2023 and the writ petition was closed on 27.06.2023. He further submits that, surprisingly, the 6th respondent issued public auction notice dated 18.05.2024 stating that public auction will be conducted for the schedule lands on 01.06.2024 at 09:00 A.M., at temple premises for lease hold rights for a period of three years i.e., from 2024-2025 to 2026-2027. He further submits that, even though the petitioner's lease still exists, the 6th respondent issued public auction notice dated 18.05.2024 and the respondent authorities are trying to dispossess the petitioner from the subject lands. Therefore, learned counsel requests this Court to pass appropriate orders.

7. Per Contra, learned Standing Counsel while reiterating the contents made in the counter affidavit, as per the report of Inspector of

Endowments, the 4th respondent vide Lr.No.Nil/2023, dated 12.06.2023 recommended for the lease period of one year i.e., from 2023-2024 to 2024-2025 instead of three years. Immediately, the same was informed to the petitioner. He further submits that, the 4th respondent vetoed the public auction held on 08.06.2023 vide L.Dis.in Computer no.A2/1061/2023, dated 14.06.2023. Thereafter, as the bid amount is very low comparing with the earlier public auction, local villagers of Chirtutapudi Village made complaints in the Spandana programme. Hence, the 5th respondent instructed to conduct public auction on 28.06.2023. Challenging the same, the petitioner filed W.P.No.15219 of 2023. He further submits that, the 4th respondent through learned Standing counsel stated that the authorities withdrawn the proposed auction, dated 28.06.2023 and the said writ petition was disposed. He further submits that, since the proceedings of the 4th respondent dated 14.06.2023 was not available with the office of the 4th respondent; the same was not placed before this Court at the time of admission. He further submits that, as per the orders issued by the 4th respondent dated 14.06.2023, as the lease period expired was elapsed by June, 2024, the 6th respondent has issued public auction notice on 18.05.2024 for conducting public auction on 01.06.2024 for the schedule lands for three years from 2024-2025 to 2026-2027. Therefore, learned Standing Counsel prays to dismiss the writ petition.

8. Perused the record.

9. On a perusal of the material on record, this Court observed that, the 4th respondent has issued proceedings vide L.Dis.in Computer No.A2/1061/2023, dated 14.06.2023 with the following observations:

“The attention of the Inspector Endowments Department Rajamahendravaram is invited to the reference cited and in exercise of powers vested with him under rule 16(2)(iv) of the rules in G.O.Ms.No.379 Revenue (Endts) Department Dt. 11-3-2003, and G.O.Ms.No.425 Dt.9-11-2015 under Section 82 read with section 153 of the Act 30/1987, the Deputy Commissioner, Endowments Department, Kakinada hereby vetoed the public auction of Ac.07.54 cents in Rs.No.48/1 & 48/2 situated at Chiruthapudi (V).

Further, the Executive Officer of the subject temple is directed to collect present bid in public auction as damages for use and occupation for 2023-2024 since the agriculture operations is started as well as lease out the said land in public auction well in advance in the year 2024-2025 duly giving wide advance publication as per rules.”

10. As seen from the order of this Court dated 27.06.2023 passed in W.P.No.15219 of 2023, this Court observed that, at the time of hearing, learned Standing Counsel submitted that the lease in favour of the petitioner was ratified by the competent authority and the petitioner's leasehold rights as per the auction conducted on 08.06.2023 is valid up to 2025-2026.

11. Having regard to the facts and circumstances of the case and on considering the submissions of both the learned counsels, it appears that, when the 6th respondent temple conducted on 08.06.2023, the petitioner became the successful bidder and paid the entire lease amount of Rs.1,95,000/- on 09.06.2023. Subsequently, the temple authorities handed over the possession of the subject lands. Without cancelling the petitioner's leasehold rights, the respondents issued another public auction notice stating

that a public auction would be conducted on 28.06.2023 for the subject lands for a period of three years i.e., from 2023-2024 to 2025-2026. Aggrieved by the same, the petitioner filed W.P.No.15219 of 2023 before this Court. During hearing, learned Standing Counsel submitted that the auction scheduled for 28.06.2023 had been cancelled and as per the auction conducted on 08.06.2023, the petitioner's lease hold rights is valid up to 2025-2026. Thereafter, the respondents again issued public auction notice dated 18.05.2024 to conduct a public auction on 01.06.2024 for lease hold rights of the schedule lands. Hence, this Court is of the opinion that, even though the petitioner's leasehold rights of the schedule lands still exist up to 2025-2026, the respondents proceeded with conducting another public auction, which is illegal and arbitrary. Therefore, this Court is inclined to allow the writ petition by setting aside the public auction notice dated 18.05.2024.

12. Accordingly, the Writ Petition is allowed. The public auction notice dated 18.05.2024, issued by the 6th respondent for the lease hold rights of the schedule lands of the 6th respondent-temple, is hereby set aside. Further, the respondents are directed to uphold the petitioner's leasehold rights for the schedule lands as per the auction conducted on 08.06.2023, which is valid up to 2025-2026.

13. There shall be no order as to costs.

14. As a sequel, miscellaneous applications pending, if any, shall stand closed.

Dr. K. MANMADHA RAO, J

Date : 07.02.2025
BMS