

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE TWENTY SEVENTH DAY OF MAY, TWO THOUSAND AND THREE

: PRESENT :

THE HON'BLE MR.JUSTICE : K.C.BHANU

WRIT PETITION No. 9993 of 2003

Between:

Pasupuleti Satyanarayana
S/o Seemannna @ Venkanna

Petitioner

AND

1. The Assistant Commissioner of Endowments, Rajahmundry, E.G. District.
2. The Executive Officer, Sri Kanakadurga Chenna Malleswara Swamy Temple, Nadunuru (V), Inavalli (M), E.G.district.
Respondents

Petitioner under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the Notice issued by the 2nd respondent dated 28.4.2003 directing eviction of the petitioner from the lands to an extent of Ac.4-86 cents in Sy.No.233/5 0-18 cents in Sy.No.256/3, 8-46 cents in Sy.No.254, 1-52 cents in Sy.No.255/3, 7-00 cents in Sy.No.256/1, and 1-42 cents in Sy.No.255/1 of Nadunuru village, Inavalli (M), E.G. District as illegal, arbitrary and without jurisdiction and in violation of principles of natural justice and consequently direct the Respondents not to evict the petitioner from the above mentioned land.

FOR THE PETITIONERS : Mr.K.VENKATESH, ADVOCATE
FOR THE RESPONDENT No.1 : GOVT. PLEADER FOR ENDOWMENTS
FOR THE RESPONDENT No.2 : Mr.METTA CHANDRASEKHAR RAO,
Advocate

The Court at the admission stage, made the following :

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ORDER :

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"Heard both sides.

The petitioner(s) assails the notice issued by the respondent-endowment under Rule 5(1) of the Rules issued under G.O.Ms.No.379, Revenue (Endowments-I) Department dated 11.3.2003 whereunder the land held by the petitioner(s) as a lessee(s) is sought to be resumed by canceling the lease.

According to the averments, the petitioner(s), is/are landless poor and entitled for purchase of the temple land if it is offered to him/them, as per the said Governmental Order. The petitioner(s) submits that the lease is cancelled without issuing any notice and conducting any enquiry into the matter and the impugned notice is nothing but a summary eviction.

Be that as it may, this Court has adjudicated similar matters in Writ Petition Nos. 7837 and 8604 of 2003 dated 2.5.2003.

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Following the same, this Writ Petition also stands disposed of leaving it open to the petitioner(s) to approach the concerned Assistant Commissioner of Endowments seeking to declare him/them as landless poor. On such an application being filed within fifteen days from the date of receipt of a copy of this order, the said Assistant Commissioner of Endowments shall examine the matter duly putting the respondent-endowment on notice and decide the same within two months thereof. Till a final decision is taken, the petitioner(s) shall be continued as lessee on the existing terms. If the matter is likely to be delayed, it shall be open to the respondent-endowment to fix the maktha by collecting comparative figures in the vicinity and offer it to the petitioner. In case the petitioner(s) is/are agreeable to pay such amount, it shall be open to the petitioner(s) to continue as such and if the petitioner(s) is/are not prepared to pay such amount, it shall be open to the respondent-endowment to resume the land. No order as to costs.

Print the name of Sri Metta Chandrasekhara Rao, S.C. for Endowments".

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Assistant Commissioner of Endowments, Rajahmundry, E.G. District.
2. The Executive Officer, Sri Kanakadurga Chenna Malleswara Swamy Temple, Nadunuru (V), Inavalli (M), E.G.district.
3. Two CCs to the G.P. for Endowments, High Court, Hyderabad (OUT).
4. One CC to Mr.K.Venkatesh, Advocate (OPUC).
5. Two CD copies.

DA

HIGH COURT

DT. 27.5.2003

ORDER

W.P.No. 9993 of 2003

W.P. DISPOSED OF

DRAFTED BY : DA
DRAFTED ON : 28.5.2003

HIGH COURT

KCBJ

DT. 27.5.2003

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ORDER

W.P.No. 9993 of 2003

W.P. DISPOSED OF