

(2003) 11 AP CK 0075
In the Andhra Pradesh High Court
Case No : CRP No. 3280 of 2001

Kadiyala Purnachandra Rao	Vs	APPELLANT
Sri Ramalingeswaraswamy Devasthanam		RESPONDENT

Date of Decision : 13-11-2003

Acts Referred:

Andhra Pradesh (Andhra Area) Tenancy Act, 1956 — Section 8
Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987
— Section 153(1), 82(5)

Citation : (2004) 4 ALD 553

Hon'ble Judges : P.S. Narayana, J

Bench : Single Bench

Advocate : A. Ramalingeswara Rao, for the Appellant; Indrani, for the Respondent

Final Decision : Dismissed

Judgement

P.S. Narayana, J.—Heard Sri A. Ramalingeswara Rao, the learned Counsel for the petitioner and Smt. Indrani, learned Standing Counsel representing the respondent.

2. This revision petition is preferred as against the order made in ATA No. 55 of 1993 on the file of the Court of District Judge/Appellate Authority, West Godavari, Eluru confirming the order in ATC (SR) No. 617 of 1993 on the file of the Court of Special Officer-cum-First Additional District Munsif, Eluru.

3. The revision petitioner herein filed the aforesaid ATC praying for remission of 49 bags of paddy payable for the year 1990-91. The respondent is Sri Ramalingeswaraswamy Devasthanam, represented by its Executive Officer, Rajupet. It is not in controversy that the land in question, relating to which the remission is prayed for, is a temple land. Section 82 of A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (herein after referred to as "the Act") deals with lease of agricultural lands and its Sub-section (5) of the Act, which was introduced by the Amendment Act No. 27 of 2002 on 26-8-2002,

reads as hereunder:

"The provisions of the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 and the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 shall not apply to any lease of land belonging to or given or endowed for the purpose of any charitable or religious institutions or endowments as defined in this Act."

4. In view of the language of Sub-section 5 of Section 82 of the aforesaid Act, it is clear that the provisions of Andhra Pradesh (Andhra Area) Tenancy Act, 1956 shall not apply to any lease of land belonging to or given for the purpose of any temple or religious institutions or endowments as defined in this Act. There is no controversy between the parties relating to applicability of this provision. The learned Counsel representing the respondent also had placed reliance on the decision reported in *State of Andhra Pradesh and Others Vs. Nallamilli Rami Reddi and Others*, . In this regard, attention was also drawn to the A.P. Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 under G.O. Ms. No. 379 (Revenue) Endowments, dated 11-3-2003, which were framed in exercise of the power u/s 82 read with Section 153 (1) of the aforesaid Act. The learned Counsel for the revision petitioner submitted that relating to remission of rent, there is no provision at all either in the aforesaid Act or the rules framed therein in this regard and hence it should be taken that the said beneficiary provision relating to the tenants continues to apply to the tenants in relation to the temple lands also. The learned Counsel also contended that a party cannot be remediless and there cannot be such vacuum. The learned Counsel also pointed out several provisions both in Andhra Pradesh (Andhra Area) Tenancy Act, 1956 and the Rules framed under the aforesaid Act and had contended that in the absence of providing all the remedies available to the tenant under Andhra Pradesh (Andhra Area) Tenancy Act, 1956, it cannot be said that there is total exclusion of the applicability of the provisions of the Tenancy Act in the case of temple lands either in view of Sub-section (5) of Section 82 of the Act or by virtue of the decision of the Apex Court referred to supra.

5. It is no doubt true that several of the provisions, inclusive of remission of rent etc., had not been specified nor had been provided for either under the Act or under the Rules. It is needless to say that the Legislature in its wisdom may have to fill up all these gaps, if any, and in this regard, a decision has to be taken by the Legislature since it is not the province of this Court to legislate. Except making this observation, no further relief can be granted in this matter. In view of the settled legal position, this Court cannot grant any relief to the revision petitioner, at this stage, in view of the subsequent change of law.

6. Accordingly, the Civil Revision Petition shall stand dismissed. No costs.