

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.39493 of 2015

-
04.12.2015

Between:

Sri M.Mallaiah Dharmashala and another

.. Petitioners

and

The State of Telangana,
represented by its Principal Secretary,
Endowments Department,
Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.T.Rajinikanth Reddy

Counsel for the respondents: Government Pleader for Endowments (TS)

The Court made the following:

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ORDER:

Petitioner No.2, claims to be the person who is entitled to lawfully manage petitioner No.1 Dharmashala, filed this writ petition feeling aggrieved by the auction notice, *vide* Rc.No.B5/2682/2015, dated 27.11.2015, of respondent No.5, whereunder he has sought to auction the leasehold rights in respect of 24 rooms in petitioner No.1 Dharmashala.

From the pleadings of the petitioners, it could be seen that earlier when three mulgies of petitioner No.1 Dharmasala were sought to be auctioned, the petitioners filed W.P.No.12511 of 2014 and this Court, by interim order, dated 23.04.2014, directed that any auction that may be held by the Endowments Department shall be subject to the result of the said writ petition.

In my opinion, since the issues raised in this writ petition are identical to that raised in W.P.No.12511 of 2014, the action of the Endowments Department in seeking to hold auction of 24 rooms in petitioner No.1 Dharmashala must also abide by the outcome of W.P.No.12511 of 2014.

The Writ Petition is accordingly disposed of with the observations that if the petitioners succeed in W.P.No.12511 of 2014, the auction, if any, held in respect of 24 rooms in petitioner No.1 Dharmashala, which is the subject matter of the present writ petition will be automatically invalidated and the auctioning authority must stipulate a condition in the terms of lease/license in favour of the successful bidders that the lease/license shall be subject to the result of W.P.No.12511 of 2014.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.50932 of 2015 filed by the petitioners for interim relief shall stand disposed of as infructuous.

04th December, 2015
GHN

C.V.NAGARJUNA REDDY, J