

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2905 OF 2015

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in conducting auction without issuing any publication in any newspapers of Kurnool District and in not considering the representation of the petitioners' dated 09.02.2015 for extending lease period on enhancement of 4% on the existing lease amount, as illegal, arbitrary and for a consequential direction to the respondents not to conduct auction pursuant to the auction notice dated 28.01.2015, issued by the respondents 3 and 4.

The case of the petitioners is that they are all lessees of the 3rd respondent-temple in respect of shops situated in its premises for the year 2013-2014. While so, the respondents 3 and 4 issued an auction notification dated 28.01.2015 inviting the general public to participate in the auction schedule to be conducted on 12.02.2015 for the leasehold rights of the above said shops. It is stated that the said notification was not published in any of the newspapers of the Kurnool district and that the said notification copies were kept at 3rd respondent office only. It is also stated that the proposed auction was e-tender-cum-sealed cover quotation-cum-public auction. Against the same, the petitioners filed representation dated 09.02.2015 to the respondents requesting them to look into the issue and consider their case by extending the lease period for another year on enhancement of existing lease amount upto 4%. But, the respondents have not passed any orders on the said representation and are going to conclude the tender process. Aggrieved by the same, present writ

petition is filed.

Learned Standing Counsel for respondents 3 and 4 produced a copy of the Notification published in 'Eenadu' newspaper on 29.01.2015.

A perusal of the said newspaper cuttings shows that the respondents have duly published the notification in the newspapers. It also shows that the tenders are invited through E-procurement-cum-auction. It also goes to show that the writ petitioners made false averments in the writ affidavit which itself disentitle them from any relief under equitable jurisdiction of this Court under Article 226 of the Constitution of India. Learned counsel for the petitioners has also not brought any rule provision to my notice for extension of lease on payment of enhanced rents. In the absence of any rule provision, the petitioners have no right to seek for extension of lease. If the petitioners are really interested, they can participate in the tender along with others to knock out the tender. Since the petitioners have no legal right for extension of lease, this writ petition is misconceived.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

11.02.2015

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