

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.15345 OF 2005

ORDER:

This writ petition is filed questioning the Memo issued by the 1st respondent-District Collector, in Lr.No.Lc.2/3055/2005 dated 05.07.2005, whereby returning the demand draft for Rs.40,58,125/- to the petitioner.

Heard Sri J. Ramachandra Rao, learned counsel for the petitioner and learned Government Pleader for Revenue (TG).

It is a case where a letter dated 05.07.2005 issued by the 1st respondent-District Collector refunding the earnest money paid by the petitioner as a precondition in participating the tender for purchase of immovable property in auction.

This Court on 19.07.2005 while ordering Rule Nisi, gave a direction to the respondents to take a decision as to whether the auction would be finalized or cancelled. Neither the learned counsel for the petitioner nor learned Government Pleader for Revenue (T.G) is able to submit as to what has been done pursuant to the interim order dated 19.07.2005, passed by this Court in W.P.M.P.No.19494 of 2005. Though the learned Government Pleader for Revenue seeks further time for getting instructions or to file counter-affidavit, I am not inclined to adjourn the matter as this is a case of 2005 and the writ petition has been filed questioning the impugned memo issued by the 1st respondent-District Collector refunding the earnest money paid by the petitioner. Though, the learned counsel for the petitioner submits that the petitioner being the highest bidder ought to have been treated as a successful bidder and thereby allotted the land in favour of the petitioner, no such relief can be granted in the writ petition as virtually

petitioner is seeking a relief which otherwise could be granted only by the Civil Court by way of a specific performance. In that view of the matter, the relief which has been sought by the petitioner cannot be acceded to. However, liberty is given to the petitioner subject to limitation to pursue other remedies.

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

Miscellaneous Petitions, if any pending in this writ petition shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date:27.10.2015.

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