

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.12729 OF 2010**

**ORDER**

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The case of the petitioner is that the 2<sup>nd</sup> respondent distributed pamphlets inviting bids for public auction to be conducted on 21.03.2005 in respect of agricultural land in an extent of Ac.1.02 cents in Sy.No.773/2 of Kalva Village, Kurnool District belonging to Sri Sitarama Chandra Swamy Temple, Bhadrachalam, Khammam District. The petitioner has participated in the said auction by depositing an amount of Rs.10,000/- towards earnest money deposit (EMD) and was declared as highest bidder at Rs.30,000/-. Thereafter, the petitioner deposited fifty percent of the amount including EMD i.e., Rs.15,000/- and was ready to pay the balance amount of Rs.15,000/- as per the terms and conditions of the public auction sale. But later, the petitioner has not received any intimation from the respondents, as such he personally sent a demand draft for Rs.15,000/- in favour of the 2<sup>nd</sup> respondent and also got issued a legal notice requesting him to execute the registered sale deed in his favour. While so, the petitioner received a letter dated 31.08.2009 from the 2<sup>nd</sup> respondent intimating about rejection of his bid in the public auction conducted on 21.03.2005 without assigning any reasons. Aggrieved by the letter dated 31.08.2009, the present writ petition is filed.

Counter is filed by the 2<sup>nd</sup> respondent stating that in pursuance to the public auction conducted on 21.03.2005, three bidders have participated and among them, the petitioner was declared as the highest bidder. The 2<sup>nd</sup> respondent states that as per the auction conditions, to get the sale confirmation orders as required under Section 80(1) (c) of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 30/87 (for short 'the Act') the proposals have been sent to the Commissioner, Endowments

Department on 23.03.2005. Meanwhile, the petitioner submitted a letter dated 07.08.2007 through his advocate requesting for registration of the land purchased by him in the public auction. In pursuance of the same, the 2<sup>nd</sup> respondent vide letter dated 18.08.2007 informed the petitioner that the sale proposals were submitted to 1<sup>st</sup> respondent and soon after receipt of the sale confirmation orders, registration will be made as per the terms and conditions of the public auction. Before receiving the said orders, the petitioner himself paid Rs.15,000/- by way of demand draft and sent to the office of the 2<sup>nd</sup> respondent with old date 05.08.2005 towards final payment. Thereafter, the 1<sup>st</sup> respondent issued orders dated 17.09.2008, directing the respondent-Devasthanam to conduct re-auction stating that the market value fetched is not fair, adequate and proper. Though the 2<sup>nd</sup> respondent once again submitted the proposals for reconsideration, the same was rejected vide order dated 13.07.2009. Subsequently, the amount deposited by the petitioner was returned to him by the 2<sup>nd</sup> respondent on 10.08.2010 by way of demand draft. But the same was returned by postal department on 23.08.2010 and again on 13.09.2010 on the ground that the petitioner is not available in the Village. It is also submitted that against the orders of the 1<sup>st</sup> respondent, an appeal lies under Section 93 of the Endowments Act and without availing the appeal remedy, this writ petition is filed.

Heard the learned for the petitioner and Sri Ch. Satish Kumar, learned Standing counsel for respondent No.2.

Learned Standing counsel for the 2<sup>nd</sup> respondent submits that unless the sale is confirmed by the 1<sup>st</sup> respondent in favour of the petitioner, petitioner has no right to seek mandamus for acceptance of his bid.

Even according to the petitioner it is an admitted fact that though the auction was conducted on 21.03.2005, the same was not confirmed

by the 1<sup>st</sup> respondent and the petitioner was also informed about the proceedings pending before the 1<sup>st</sup> respondent regarding confirmation of sale. In spite of the same, petitioner has sent the balance amount on his own on the ground that he is the highest bidder and has deposited the entire amount. Hence, the petitioner cannot seek a mandamus from this Court directing the respondents to confirm the sale in his favour. Unless the sale is confirmed by the 1<sup>st</sup> respondent no rights are accrued to the petitioner. More so, the 1<sup>st</sup> respondent in his discretion issued orders rejecting the bid of the petitioner stating that the market value fetched is not fair, adequate and proper and thought it fit, not to confirm the sale. This Court and the Apex Court many a time held that the purpose of conducting auction is to see that the auction fetches maximum amount which is in the interest of public exchequer. In W.P.No.8452 of 2003 and judgment reported in ***Chinta Ramaiah and another v. Govt. of A.P., Endowments Department and others***<sup>[1]</sup>, this Court held that unless sale is confirmed under Section 80 (1) (c) of the Act, the auction purchaser cannot acquire any right.

In view of the same, I do not see any merit in the writ petition to issue mandamus to the respondents for acceptance of petitioner's bid on the ground that the petitioner was the highest bidder.

Accordingly, the writ petition is dismissed. However, it is open for the petitioner to seek refund of the amounts deposited by him. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

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**A.RAJASHEKER**

**REDDY,J**

Date: 01.09.2015

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