

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.4503 OF 2015

ORDER:

This Writ Petition is filed questioning the inaction of the respondents in not finalising the grant of lease of the land in Survey No.255 of Kurnool town over an extent of Ac.1-00 cents pursuant to the auction conducted by the respondent No.2- The Inspector / Auditor, Wakfs, A.P. State Wakf Board, Hyderabad.

The averments in the Writ Petition in brief are that the petitioner in pursuant to the notification dated 08.07.2014 published in daily news papers on 10.07.2014 calling for tenders to lease out the land for the purpose of running a Muslim marriage function hall for poor, petitioner participated in the tender and he became highest bidder quoting Rs.85,000/- per annum lease amount and in fact he was informed that he was the successful bidder. Thereafter, petitioner deposited the amount and was waiting for grant of lease by way of an order from the 1st and 2nd respondents. In spite of repeated requests, respondents 1 and 2 are not taking any steps.

Notice before admission was granted on 25.02.2015. Respondent No.1 filed counter affidavit stating that the respondents have decided to cancel the tender process and award of lease process considering the huge valuations in issuance of tender notification and in conducting auction. In that view of the matter, the respondents also had submitted that the Demand Draft bearing No.269181, dated 11.08.2014 for Rs.85,000/- was returned to the petitioner vide letter dated 27.02.2015. It was further stated in the counter that the respondents have realised that the calling of the tender was not in accordance with the Waqf Properties Lease Rules, 2014 which was enacted pursuant to the amendment in Waqf Act, 1995 as amended by Waqf (Amendment) Act, 2013. In the counter, it was also mentioned about certain mistakes which have occurred in conducting of the auction.

Be that as it may be, now in the light of the stand taken by the respondents 1 and 2 that the auction conducted earlier in terms of the Wakf Properties Lease

Rules, 2014 and considering the fact the petitioner had been returned the earnest money deposit, which has been deposited by the petitioner, no useful purpose would be served by keeping the Writ Petition. It is always open for the petitioner to participate in the process of auction as and when the 1st and 2nd respondents decide to lease out the subject property.

Accordingly, the Writ Petition is closed. There shall be no order as to costs. Miscellaneous petitions, if any pending, in this Writ Petition shall stand closed.

CHALLA KODANDA RAM, J

Dated:09.03.2015.

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