

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P.No.20109 of 2015

ORDER:

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the action of respondent No.2 in not handing over the possession of shop bearing No.35 on the ground Floor and Shop No.1 on the first floor of T.B.Shopping Complex, T.B.Road, Proddatur owned by it to the petitioners, who have been declared as the highest bidders for the same in the public auction held on 26.9.2014, inspite of lapse of more than ten months as illegal and arbitrary, and consequently, to direct respondent No.2 to hand over the possession of the same forthwith to the petitioners and count the lease period from the date of handing over of possession.

2. When the matter is taken up, learned Standing Counsel for the respondent Municipality produced notices, dated 25.8.2015, issued to the petitioners, which *inter alia* disclose that in a resolution, dated 31.10.2014, passed by the respondent Municipality, the auction proceedings held on 26.9.2014 whereunder the petitioners claimed to have been the highest bidders were cancelled. The notices issued to the petitioners also indicate that the respondent Municipality is willing to refund the advance amount of Rs.1,00,000/- and Rs.25,000/- to petitioner Nos.1 and 2 respectively. Notice is also issued to petitioner No.1 alleging that she is in illegal occupation and she shall pay the lease amount for the entire period. Decision of the Municipal Counsel to hold fresh auction is also informed to the petitioners. In view of the notices issued to the petitioners, cause in the writ petition does not survive for adjudication.

3. Accordingly, the Writ Petition is disposed of at the stage of

admission granting liberty to the petitioners to work out their remedies, if so advised, against the notices issued to them. It is needless to observe that the amounts, which are not in dispute, shall be released to the petitioners within a period of two (2) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

4. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 27.8.2015
AMD

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