

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE  
AND  
THE HON'BLE SRI JUSTICE S.V. BHATT**

**WRIT APPEAL No. 577 of 2015  
and  
WRIT PETITION No.19024 of 2015**

**Dt:10.07.2015**

Between:

K.Subba Raju and others.

... Appellants

And

The State of Andhra Pradesh,  
Rep. by its Principal Secretary, Endowments Department,  
Hyderabad and others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE  
AND  
THE HON'BLE SRI JUSTICE S.V. BHATT**

**WRIT APPEAL No. 577 of 2015  
and  
WRIT PETITION No.19024 of 2015**

**PC:** (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the following order, dated 29.06.2015, passed in WPMP No.24591 of 2015 in W.P.No.19024 of 2015:

“In pursuant to the directions issued by this Court, the representations of the petitioners were considered and having regard to the fact that the offer now made in the open auctions conducted is far higher, the representations of the petitioners was rejected. Now the petitioners urge that they cannot be evicted without following the due process of law and that though very high amounts were quoted, there was no actual takers and in fact Shop Nos.6 and 7 which was carrying a rent of Rs.9,600/- was auctioned at Rs.35,000/-, but there was no taker. Thus, unreasonable high prices are quoted only to eliminate the petitioners.

This is a matter which requires consideration in the writ petition. Be that as it may, prima-facie as seen from the order of this Court, the petitioners have no right to continue in the said shops. Since no such relief was granted to them even though specific contentions are urged by them in the said writ petitions, but a limited relief was granted and directed to maintain status quo, till a decision is taken. Now, since a decision is already taken, the auctions were finalised and higher prices were offered by the successful bidders, petitioners cannot continue to occupy the same shops. Therefore, the relief sought in this petition cannot be granted. Hence, this WPMP is dismissed.”

We have perused the order passed by this Court, dated 11.03.2015, in W.P.No.1864 of 2015 and batch. From that order, it is clear that the appellants were allowed to remain in possession by issuing order of status quo till the second respondent would take a decision on the letter, dated 14.09.2014. Admittedly, the second respondent has taken decision and in view thereof, the appellant have no right to remain in possession. Hence, we do not find any reason to interfere with the order passed by learned Single Judge.

The submission of Mr.S.Satyam Reddy, learned Senior Counsel for the appellants, that the appellants may be allowed to continue till the highest bidders come forward and take possession of the shop premises is also rejected, in view of submission made by learned counsel for the fourth respondent that the highest bidders are not coming forward to take possession, since the appellants are in possession of the shops.

In the circumstances, the writ appeal is dismissed.

At this stage, Mr.S.Satyam Reddy seeks time to the appellants to vacate the shop premises in their possession on or before 31.08.2015. Learned counsel appearing for respondent No.4 did not seriously oppose the submission and submitted that if the Court is inclined to grant time to the appellants to vacate the shop premises till the end of August, 2015, it should be subject to filing of undertaking by each of them within ten days from today.

In view of the submissions of learned counsel for the parties, we allow the appellants to remain in possession of the shops in their possession till the end of August 2015 subject to each of them filing

an undertaking in this Court, stating that they shall vacate and handover peaceful possession to respondent No.4 on or before 31.08.2015, within a period of ten days from today with advance copies of the undertakings to the Advocate for the respondents. It is needless to mention that as long as the appellants are in possession of the shop premises, they shall pay the existing rent to respondent No.4.

Mr.S.Satyam Reddy submits that W.P.No.19024 of 2015 may also be disposed of in view of this order.

W.P.No.19024 of 2015 is accordingly disposed of in view of this order.

Consequently, miscellaneous petitions, if any, also stand disposed of.

---

**DILIP B. BHOSALE, ACJ**

---

**S.V. BHATT, J**

Dt:10.07.2015  
kdl

