

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.388 of 2009

ORDER:

This Writ Petition is filed seeking to issue a writ of *Mandamus* to declare the action of the 1st respondent contained in proceedings in L.Dis.No.N2/55672/1998, dated 05-12-2008 rejecting highest bid amount of the petitioner in respect of the sale of the land admeasuring Ac.8.12 cents in Sy.No.175 of Vavintaparthi Village, Podalakur Mandal, Nellore District in the auction held on 30-10-2002, pursuant to the auction notification dated 10-10-2002, as illegal and arbitrary and consequently set aside the said proceedings and direct the 1st respondent to confirm the highest bid of the petitioner in respect of the subject land in terms of the said auction notification.

After the auction of the subject land, one of the villager in that area by name, Pulipati Dasaratharamaiah preferred Writ Petition No.21484 of 2002 *inter alia* challenging the said auction and claiming that he is the lease holder of the subject land. The said Writ Petition was dismissed by this Court on 28-10-2005. Thereafter, the petitioner preferred a representation to the 01st respondent – The Commissioner of Endowments to confirm the sale of the subject land. The 2nd Respondent

– The Joint Commissioner (Estates), Endowments Department, by L.Dis.No.N2/55672/1998, dated 05-12-2008 rejected the request of the petitioner as follows :

“In the circumstances reported by the Deputy Commissioner, Endowments Department, Guntur in the reference cited, the sale of land of Ac.8.12 cents in Sy.No.175 by public auction held on 30-10-2002, sale confirmation in favour of Smt.N.Chenchala, the highest bidder, is hereby rejected as the bid amount offered is less when compared to the neighbouring rates. In view of various stay orders and litigations this office could not take any action so far.”

Since confirmation of sale and also payment of remaining amounts are not within the hands of the petitioner or the respondents, because of the stay granted by this Court and further since at any point of time the petitioner has not failed to comply with the auction conditions, whereas the respondents are only contend on the ground that the value of the land is now more than the bid amount by the petitioner, it is suggested by this Court to the petitioner to pay the present guideline value to the land admeasuring Ac.8.12 cents in Sy.No.175 of Vavintaparathi Village, Podalakur Mandal, Nellore District, for which he is the highest bidder.

It is informed by the learned counsel for the petitioner that the guideline value of the subject land as per the records with the Government is Rs.1,00,000/- per acre, but however, the learned counsel for the

respondents informed that the market value is more than Rs.1,00,000/- and it may go up to Rs.2,00,000/-.

Considering the above submissions made by the learned counsel for the petitioner as well as the respondents, this Court is of the view that the Writ Petition can be disposed of with the following direction :

The petitioner herein is directed to pay at the rate of Rs.1,10,000/- per acre to the subject land. The respondents are directed to reduce the amount, which has already been paid by the petitioner and the petitioner is directed to pay the remaining amount to the officer concerned within a period of four months. On such payment, the respondents herein are directed to confirm the sale and also issue the sale certificate within a period of six weeks from the date of payment of the said amount by the petitioner to the officer concerned.

The Writ Petition is accordingly disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, in the Writ Petition are closed.

JUSTICE RAJA ELANGO

30th April, 2015

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