

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7805 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 4th respondent in giving the public auction notification vide R.C.No.07/2005 dated 17.03.2015 in order to dispossess the petitioners from their respective leased premises at Kalikiri Grampanchayat Complex, opposite to A.P.S.R.T.C. bus stand, Kalikiri Village, as illegal and arbitrary and against the principles of natural justice and consequently, to set aside the public auction notification.

The case of the petitioners is that they are the lessees of various shops at Kalikiri Grampanchayat Complex, opposite to A.P.S.R.T.C. bus stand, Kalikiri Village and they are having valid and subsisting lease till 31.03.2015 and even before expiry of the lease period, the impugned notification has been issued for raising the shops, which are in their occupation for further periods and one of the conditions for participating in tenders is deposit of Rs.50,000/-. Aggrieved by same and the action of respondents in proceeding with the auction without following due procedure, the present writ petition is filed.

Learned counsel for the petitioners submits that already the petitioners have deposited certain amounts in pursuance of the earlier auction and the same is lying with the respondents

and the action of the respondents in insisting deposit of the amounts may not arise and the deposits which are lying with the respondents can be taken into consideration for the purpose of participating in the auction.

A perusal of the notification discloses the period of lease to be granted in pursuance of the notification dated 17.03.2014 is only after the present lease period expires, as such the contention of the petitioners that notification has been issued for grant of lease even before the expiry of lease does not arise and the said contention is misconceived.

Admittedly, lease in favour of petitioners is going to expire on 30.03.2015 and it is not the case of the petitioners that they will be evicted from the premises even before the completion of the lease period, since lease period mentioned in the notification commences from 01.04.2015.

The judgment relied upon by the learned counsel for the petitioner in **Elisetti Yadagiri v. District Collector-cum-District Magistrate, Mahabubnagar, Mahabubnagar District** deals with the cancellation of allotment and holding fresh auction. In the present case lease has already expired and no rule is brought to my notice for extension of lease.

In view of the same, I do not see any reason to entertain this Writ Petition.

Accordingly, the writ petition is dismissed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

24.03.2015

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