

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.34555 OF 2015

DATED:03-11-2015

Between:

Polnati Suri Babu ... Petitioner

And

The State of Andhra Pradesh

Rep. by its Principal Secretary

Revenue (Endowment) Department

A.P. Secretariat

Saifabad, Hyderabad

and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. V. Venugopala Rao, for

Mr. V.V.N. Narasimham

COUNSEL FOR RESPONDENT NOS.1 to 3: G.P. for Endowments (AP)

COUNSEL FOR RESPONDENT NO.4 : Smt. K. Lalitha, Standing Counsel

*(Note: Name of Standing*

*Counsel for respondent No.4*

*may be shown subject to filing*

*of her Memo of Appearance/*

*Vakalat within a week.)*

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a mandamus to declare the action of respondent Nos.2 to 4 in not refunding the bid amount of Rs.1,78,500/- and Earnest Money Deposit of Rs.5,000/- paid by the petitioner towards licence to collect coconut halves in pursuance of the auction held on 29.5.2015 under Auction Notification, dt.13.5.2015, as illegal and arbitrary.

The petitioner averred that in pursuance of Auction Notification dt.13.5.2015 issued by respondent No.4, for collection of coconut halves in respect of respondent No.4 -

temple during Godavari Puskaram, he has participated in the auction held on 29.5.2015 and that he became the highest bidder for a total sum of Rs.2,35,000/-. He has further submitted that instead of granting licence, respondent No.3 has issued the proceedings in Rc.No.83/6542/2015, dt.8.7.2015, directing all the Executive Officers/Managers/Trustees of the Temples in East Godavari and West Godavari Districts, to follow certain instructions, which include that not to put the licence rights of collection of coconut halves that are received in the Temples of East Godavari and West Godavari Districts during the period of Gadavari Pushkaram, to public auction.

At the hearing, Mr. V. Venugopala Rao, learned counsel representing Mr. V.V.N. Narasimham, learned counsel for the petitioner, has submitted that in view of the said proceedings of respondent No.3 licence has not been issued to the petitioner.

Opposing this submission, Smt. K. Lalitha, learned Standing Counsel for Endowments (AP) has submitted that on 17.8.2015 the Executive Officer of respondent No.4 has issued a notice calling upon the petitioner to pay the balance amount for grant of licence and since the same was not paid by him the licence was not issued. She has therefore submitted that as the petitioner has failed to comply with the auction conditions, the bid amount paid by him is liable to be forfeited. The learned Standing Counsel, however, submitted that so far no proceeding forfeiting the bid amount has been issued by any of the respondents.

The question whether non-grant of licence to the petitioner was on account of proceedings dt.8.7.2015 issued by respondent No.3 or due to the former's failure to pay the balance amount, needs to be adjudicated by the competent authority. As the petitioner is stated to have made a representation to respondent No.2 on 26.8.2015, he is directed to consider the said representation keeping in view the proceedings in Rc. No.83/6542/2015, dt.8.7.2015 of respondent No.3 and other relevant facts, take a decision and communicate the same to the petitioner within one month from the date of receipt of this order.

Subject to the above directions the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.44399 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

03-11-2015

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