

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION NO.12830 OF 2015

ORDER:

This writ petition is filed for a *Writ of Mandamus* declaring the impugned auction proceedings commenced on 29.04.2015 by the 2nd respondent without extending the lease period even though petitioners applications are pending dated 17.04.2015 for the enhancement of present lease 10% in view of the land less poor an extent of Ac.1.51 cents coconut rarden in Sy.No.522/3 of the 1st petitioner, Ac.0.85 cents coconut garden Sy.No.523/1 of the 2nd petitioner situated at Kothalanka Village, as illegal and arbitrary and for a consequential direction to set aside the same and stay all further proceedings including public auction dated 29.04.2015.

The case of the petitioners is that they are the lessees of the 2nd respondent and their lease period expired by 2015. Thereafter, the petitioners made an application on 17.04.2015 to the respondent authorities requesting for extension of lease for a further period of 3 years i.e., from 2015 to 2018. Without passing any orders on the same, the respondents issued public auction notice dated 29.04.2015. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner.

Smt K.Lalitha, learned Standing counsel for respondents submits that since the lease period of the petitioners expired, fresh auction notice has been issued.

In the instant case, admittedly lease granted in favour of the petitioners expired and no rule or provision is brought to the notice of the Court for extension of lease. More so, this Court and Apex Court held that public auction is the best mode for grant of leases.

In view of the same, I do not find any illegality in conducting fresh

auction. However, petitioners shall be continued till auction proceedings dated 29.04.2015 are finalised on giving an undertaking that they shall vacate the premises as and when the auction proceedings are finalised. Further, the petitioners are also at liberty to participate in the tender process if they are eligible. In case, the petitioners emerge as successful bidders, they shall be continued on terms and conditions of the fresh auction conducted on 29.04.2015.

Accordingly, the writ petition is disposed of. No costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

29.04.2015

dv