

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36270 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the Auction Notification, dated 02.10.2016 issued by the fourth respondent, as illegal and contrary to the claims of the petitioners during pendency of W.P.No.19601 of 2013 and I.A.No.248 of 2016 and further direct the second respondent/Endowments Tribunal to dispose of O.A.No.881 of 2014 within the stipulated time and in the meanwhile not to induct third parties into the possession of the land in extent of Acs.12.48 in survey No.297/1 of Kandukuru Village and Mandal, Prakasam District.

Heard and perused the material.

The fourth respondent issued auction notification, dated 02.10.2016, proposing that the auction to be held on 15.10.2016. The petitioners approached this Court on 25.10.2016 challenging the auction notification, dated 02.10.2016. When the matter is taken up for hearing, learned Assistant Government Pleader for Endowments (Andhra Pradesh) submits that the auction is conducted on 15.10.2016 and as such, nothing survives for adjudication in the writ petition and the writ petition is liable to be dismissed as infructuous.

A writ petition being W.P.No.19601 of 2013 is filed by the petitioners challenging the auction notification, dated 21.06.2013, for leasehold rights for the subject land and that this Court passed an order directing that the auction pursuant to the notification, dated 21.06.2013 shall be subject to the result of the writ petition. Subsequently, the petitioners filed W.P.No.32378 of 2016 challenging the action of the respondent in proposing to conduct sale of eucalyptus trees/crop raised in the subject land and that this Court gave liberty to the petitioners to file

appropriate petition in O.A.No.881 of 2014 on the file of the second respondent Tribunal. Pursuant to the same, the petitioners filed an application being I.A.No.248 of 2016 in O.A.No.881 of 2014, but he could not able to get any interim relief.

Admittedly, the order passed in W.P.No.19601 of 2013 that the auction shall be subject to the result of the writ petition pertains to the Auction Notification, dated 21.06.2013, whereas the present writ petition is filed challenging the Auction Notification, dated 02.10.2016, proposing to conduct Auction, dated 15.10.2016 (Auction has already been conducted on 15.10.2016). Learned counsel for the petitioners submits that during pendency of O.A.No.881 of 2014, the fourth respondent should not have conducted any auction since the same is not decided by the competent authority.

Considering the rival submissions made by both the counsel, the writ petition is disposed of with a direction to the second respondent/Endowments Tribunal to dispose of O.A.No.881 of 2014 as expeditiously as possible, preferably within a period of three months.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

26.10.2016
pln