

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**Writ Petition No.12422 of 2008**

**ORDER:**

This writ petition is filed seeking the following relief/s:

‘to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1<sup>st</sup> respondent in issuing the auction notice dt.9-6-2008 in R.C.No.2321/2008 proposing to conduct auction on 17-06-2008 of the lease hold rights of the land in an extent of Ac.02-50 cents in survey no.314/1 and 316/2 of Gudavalli village, Vijayawada Rural mandal, Krishna District notified as item no.1 and 2 of the auction notice as the same is arbitrary, illegal and consequently set aside the same and to pass such other order....’

**[Reproduced verbatim]**

2. I have heard the submissions of the learned counsel for the writ petitioner and the learned Standing Counsel appearing for the 2<sup>nd</sup> respondent Temple. I have perused the material record.

3. The learned Standing Counsel for the 2<sup>nd</sup> respondent Temple on the previous date of hearing had submitted that this writ petition is filed questioning the notice proposing to conduct the auction and that the auction period is already over. It is now represented that pursuant to the interim orders dated 16.06.2008 of this Court, the auction of the leasehold rights of the subject land was held and that in the said interim orders, liberty was given to the writ petitioner to participate in the auction.

4. The learned counsel for the writ petitioner, having produced a copy of the counter affidavit of the 2<sup>nd</sup> respondent said to have been served upon him, would submit that as per the averments in the counter affidavit, the order passed by the 1<sup>st</sup> respondent declaring the petitioner as a landless poor person was set aside by an order dated 28.02.2007 in Appeal No.103/2006 before the Regional Joint Commissioner, Multi Zone-I, Endowments Department, Kakinada, and that the said fact came to the knowledge of the

petitioner only on the perusal of the copy of the counter affidavit of the 2<sup>nd</sup> respondent which was served upon the counsel for the petitioner and that in the facts and circumstances, the writ petition may be disposed of taking into consideration the said averment in the counter affidavit.

5. In view of the averments in the counter affidavit of the 2<sup>nd</sup> respondent and the submissions now made, it is evident that the cause in the writ petition does not survive for adjudication.

6. Accordingly, the writ petition is dismissed as infructuous. No costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

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**M. SEETHARAMA MURTI, J**

27.01.2016

Vjl