

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

-
WRIT APPEAL No. 514 of 2007

Date: 05.07.2016

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Between:

Sri Kalika Devi Temple.

... Appellant

And

Govt., of A.P., rep., by its Principal Secretary,
Revenue (Endowments.II/I) Department,
Hyderabad & others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT APPEAL No. 514 of 2007

ORDER: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order, dated 26.03.2007, passed in W.P.No.5975 of 2007. By this order, the writ petition has been dismissed.

The appellants, in the writ petition, challenged the Memo, dated 28.08.2006, of the Government, whereby the Government confirmed the order of the Commissioner of Endowments, dated 02.05.2005, rejecting confirmation of sale, and dismissed the revision petition filed by the appellants.

This Court, after admission of the appeal, vide order, dated 24.10.2008 passed in WAMP.No.2325 of 2008, made the following observations:

“In this appeal, at the instance of the unsuccessful writ petitioner, who sought to assail the orders of rejection of confirmation of the auction sale conducted by the authorities in respect of the land belonging to the petitioner, and having regard to the several questions arising especially as to the correct value of the property, which could have in the normal circumstances fetch more and also the procedure to be adopted for getting such value which would be more in the interest of the petitioner-institution, we, on considering the submissions made on either side and having regard to the chequered events and also keeping in view the attempts, which were made more than once, without going into the merits of the matter, deem it more appropriate that let there be a fresh auction to be conducted for proper consideration of the issues involved and also to see if really there are any other

elements of interdictions.

Accordingly, we direct the second respondent – Commissioner of Endowments to conduct fresh auction by nominating a competent officer to preside over the entire proceedings by issuing appropriate notices and taking wholesome steps, which require as per law. It is left open for the respondents to fix upset price and all such other terms. The entire exercise shall be completed within a period of eight weeks from today and on such completion, the respondents shall submit a detailed report.”

Learned Government Pleader for the respondents submits that in view of the order, dated 24.10.2008, fresh auction was conducted and since no desirable consideration was offered, they cancelled the auction.

In view thereof, we do not find any reason to keep this appeal pending further and we are satisfied that the following order will meet the ends of justice:

“It is open to respondent No.2 to conduct fresh auction of the temple land, if they so desire and advised, in terms of the order, dated 24.10.2008. While fixing the upset price, we hope and trust that respondent No.2 shall take into consideration the market price of the lands adjacent or in the locality, where the land in question is situated.

It is also open to the appellants to approach the 2nd respondent seeking sale of the land in question and if at all they approach the 2nd respondent with such request, the 2nd respondent shall consider the same in accordance with law.”

With these observations, writ appeal is disposed of.

Miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.

DILIP B.BHOSALE, ACJ

P.

NAVEEN RAO, J

Date: 05.07.2016
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