

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITIONS No.31120 of 2015 & 41408 of 2016

COMMON ORDER:

1. Since the issue involved in both the writ petitions and the parties are one and the same, both the writ petitions are heard together and being disposed of by this common order.

2. W.P.No.31120 of 2015 is filed by the petitioners challenging the action of the Executive Officer of the 1st respondent-Sri Mahalakshmi Temple, Feelkhana, Hyderabad in directing the petitioners to hand over possession of the temple property. In this writ petition, on 23.9.2015, while ordering notice before admission, this Court passed interim order as follows:

“The petitioners are praying not to evict them without following due process of law. Admittedly, no auction was conducted in the recent past and the petitioners are continuing in the lease premises on paying very less lease amount. Therefore, it is open for the respondent-authorities to initiate the process of granting lease by conducting fresh auctions and it is left open to the petitioners to participate in such auctions. However, until further orders, the auction proceedings shall not be finalized and the petitioners shall not be evicted.”

3. While so, the petitioners filed W.P.No.41408 of 2016 challenging the action of the Executive Officer of the 1st respondent-temple in proposing to conduct public auction of the lease hold rights relating to the property in occupation of the petitioners, and contending that without conducting public auction in terms of order dated 23.9.2015 passed by this Court in W.P.No.31120 of 2015, the authorities concerned are intending to give away the property in a pre-determined manner, in the name of public auction. On 29.11.2016, the learned Government Pleader for Endowments

produced a copy of paper advertisement said to have been published in Hindi Milap on 29.11.2016, which indicates that auction is to be held on 30.11.2016. Considering the circumstances of the case, this Court granted stay of auction proposed to be held on 30.11.2016.

4. Today, when these matters have come up for hearing, the learned Government Pleader for Endowments submitted that the respondents are ready to issue a fresh notification for auction of the lease hold rights of the property in question and that the petitioners may participate in that auction.

5. Considering the facts and circumstances of the case and the submissions of the learned Government Pleader, this Court is inclined to pass the following order:

“The earlier notification dated 29.11.2016 published in Hindi Milap proposing to conduct auction on 30.11.2016 in respect of the lease hold rights of the property in question is set aside. The respondents concerned are directed to issue a fresh notification in respect of the auction of lease hold rights of the property in question. It is left open to the petitioners to participate in the auction.”

6. Accordingly, the Writ Petitions are disposed of. No costs. Consequently, earlier interim orders passed in both the writ petitions shall stand vacated, and the miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 30th November, 2016
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