

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.36409 OF 2015

DATED:10-02-2016

Between:

Ayub Ali Khan
and another ... Petitioners

And

Sri Bramaramba Mallikharjuna Swamy
Vari Devastanam
Srisailam
Kurnool District
Rep. by its Executive Officer
and others ... Respondents

COUNSEL FOR THE PETITIONERS: Mr. M. Vidyasagar

COUNSEL FOR RESPONDENT NO.1: Mr. Ambati Sreekanth Reddy

COUNSEL FOR RESPONDENT NOS.2 & 3: A.G.P. for Endowments
(AP)

COUNSEL FOR RESPONDENT NOS.4 and 5: Mr. T. Rajani Kanth
Reddy

THE COURT MADE THE FOLLOWING:

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ORDER:

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This writ petition is filed for a mandamus to declare the e-procurement-cum-public auction notice issued by the Executive Officer of respondent No.1 – Devasthanam vide Rc. No.C2/4674/2015, dt.18.10.2015 for granting leasehold rights of shop Nos.1 and 2 situated at the Devasthanam Information Centre, Kurnool, for the period from 01.01.2016 to 31.12.2018, as illegal and arbitrary.

This Court on 07.11.2015 granted an interim order permitting the petitioners to run their respective shops by paying the sums of Rs.6,400/- and Rs.9,000/- for shop Nos.1 and 2 respectively, with effect from 01.01.2016, the date on which the new leases are scheduled to commence.

At the hearing, it is agreed among all the learned counsel that the Preliminary Notification issued under G.O. Ms. No.339, dt.10.09.2015, by which non-Hindus are prohibited from participating in the auctions pertaining to the Endowments Department and also the final notification issued vide G.O. Ms. No.426, dt.09.11.2015 in that regard, have been kept in abeyance under G.O. Ms. No.13. dt.8.1.2016. In the light of this G.O., the previous G.Os. referred to above no longer subsist. Learned counsel for all the parties have therefore agreed that a fresh auction may be held without enforcing condition No.14 of the auction notice dt.18.10.2015 issued by respondent No.1.

Accordingly, the writ petition is allowed by setting aside the impugned auction notification and with a direction to respondent No.1 to issue fresh auction notification permitting all the intending bidders, including the petitioner, without reference to the religion, to participate in the tender process, within one month from the date of receipt of this

order.

As a sequel to disposal of the writ petition, W.P.M.P. No.46892 of 2015, W.V.M.P. No.4649 of 2015 and W.V.M.P. (SR) No.216186 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

10-02-2016

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