

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.29408 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the proposed action of the fourth respondent to sell the articles of the petitioner in a public auction as illegal and arbitrary.

2. Heard Sri V.Subrahmanyam, learned counsel for the petitioner and Smt.K.Lalitha, learned Standing Counsel for respondent Nos.4 and 5 – Sri Durga Malleswara Swami Varla Devasthanam.

3. A perusal of the record reveals that the respondent Nos.4 and 5 owned Kalyana Mandapam in Brahman Street, Vijayawada. The petitioner participated in the auction conducted by fourth respondent on 22.8.2014 and became successful bidder. As per the terms and conditions of the agreement, the petitioner is entitled to manage Kalyana Mandapam upto 04.9.2017 on a monthly rent of Rs.20,000/-. It appears that some disputes arose between the petitioner on one hand and respondent Nos.4 and 5 on the other hand. The petitioner filed O.S. No.398 of 2016 on the file of the Court of VI Additional Junior Civil Judge, Vijayawada against respondent Nos.4 and 5 and the same is pending. It is the case of the petitioner that respondent Nos.4 and 5 evicted the petitioner from Kalyana Mandapam and retained his articles. The petitioner has submitted an application to the fourth respondent with a request to return his articles. But, the fourth respondent did not pass any order on the application of the petitioner.

4. At the time of the arguments, the only relief sought by the learned counsel for the petitioner is to direct the fourth respondent to dispose of the application of the petitioner. The learned counsel for respondent Nos.4 and 5 also consented for the same. In view of the submissions made by the learned counsel for both parties, this court is not inclined

to express any opinion touching the merits of the main case.

5. Having regard to the facts and circumstances of the case and in view of the submissions made by the learned counsel for both the parties, the fourth respondent is directed to consider the application of the petitioner dated 27.8.2016 and pass appropriate orders thereon in accordance with law, as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order. The fourth respondent is also directed not to conduct auction in respect of the articles of the petitioner till disposal of the application of the petitioner dated 27.8.2016.

6. With the above direction, the writ petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

(T.SUNIL CHOWDARY, J)

August 31, 2016.

NOTE:

Dispatch order copy in Two days.

(By order)

YS