

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition Nos.15747 and 17627 of 2011

Common Order:

These two Writ Petitions are being disposed of by this common order as they relate to the challenge made to the action of the respondents in not executing a lease in favour of the petitioners for leasing out Shop Nos.1 and 2 near Super Bazar, Municipal Shopping Complex pursuant to the auction held on 22.03.2011.

The case of the petitioners is that they are the successful bidders pursuant to the auction held on 22.03.2011 for the lease hold rights of the shops in the shopping complex belonging to the third respondent. When a fresh auction notification was issued on 11.06.2011, they approached this Court and this Court passed interim orders of stay to the extent of Shop Nos.1 and 2. In respect of other shops, the shops were given on lease to the respective successful bidders.

A counter affidavit is filed stating that the Special Officer cancelled the auction and decided to conduct re-auction and in those circumstances the re-auction was proposed to be conducted on 11.06.2011, but by virtue of the interim orders granted by this Court the shops remained vacant. The shops were proposed to be leased out for a period of three years only.

In view of the long lapse of five years and the shops being vacant as on today, keeping in view the loss of finances to the third respondent Municipality, these Writ Petitions are disposed of giving liberty to the third respondent to conduct re-auction by issuing a fresh notification and it is

open to the petitioners to participate in the said auction. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in these Writ Petitions shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 15.11.2016
Nsr

