

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40056 OF 2016

ORDER:

1. This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to direct respondents Nos.1 to 3 not to dispossess them from the land of Ac.14.50 cents in Sy.No.297/1 and Ac.4.47 cents in Sy.No.310 situated at Kandukuru Village, Prakasam District.

2. It is the case of the petitioners that they are the owners of the subject lands and they got the said lands by way of succession from their ancestors and they have been in possession of the subject lands without any interruption. The petitioners along with one K. Devi filed W.P.No.19643 of 2013 challenging the auction proceedings in pursuance of auction notification dated 21.6.2013 in respect of the subject lands. This Court passed orders stating that auction pursuant to the notification dated 21.6.2013 shall be subject to the result of the writ petition. While so, the 3rd respondent published a pamphlet for conducting auction on 15.10.2016. But no auction was conducted till 4.11.2016. The 3rd respondent allotted the subject lands to the 4th respondent without there being any fresh notification. The 3rd respondent is proclaiming that the petitioners have no title or right over the subject lands. Apprehending dispossession, the petitioners filed this writ petition.

3. The learned Counsel for the petitioners submitted that even though notification was issued for conducting auction on 15.10.2016, till date no auction was conducted, whereas the learned Counsel for the 3rd respondent submitted that auction was already conducted and confirmed in favour of the highest bidder.

4. After hearing the rival submissions, when this Court expressed a view that this petition has become infructuous, the learned Counsel for the petitioners submitted that the respondents may be directed to proceed in accordance with law for finalizing the auction concerned.

5. In the above circumstances, respondents Nos.1 to 3 are directed to proceed with the auction proceedings after following due process of law.

6. Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Date: 21st November, 2016
Nn

RAJA ELANGO, J



HONOURABLE SRI JUSTICE RAJA ELANGO



Date: 21st November, 2016

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