

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**THURSDAY, THE NINETEENTH DAY OF MAY TWO
THOUSAND AND SIXTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.16361 of 2016

Between:

Tandrangi Krishna, S/o.RAmaswamy,
Aged 48 years, Hindu, Cultivation,
R/o.Ginjeru Village, Gantyada Mandal,
Vizianagaram District & 5 others

.. Petitioners

AND

Sri Sri Sri Sankaranayana @ Eeswaralayam,
Ginjeru Village, Gantyada Mandal,
Vizianagaram District,
Rep. by its Executive Officer & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.16361 of 2016

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ORDER:

The petitioners are aggrieved by the conducting of auction to the properties belonging to the first respondent Temple. Admittedly, there is no dispute that the first respondent temple is the owner of the subject land and that the petitioners are the leaseholders. Admittedly, the petitioners have no valid lease subsisting, granted in their favour, after due process was followed. In pursuant to the auction notice impugned in the writ petition, auction was conducted on 18.05.2016. According to the learned counsel for the petitioners, in the auction conducted on 18.05.2016, properties which were alleged to be in possession of petitioners 1 to 4 were auctioned and the rate quoted by the highest bidder is far higher than the lease amount paid by the petitioners. It appears that for some technical reason, no auction was conducted insofar as the properties in possession of petitioners 5 and 6.

2. Since no auction was conducted on 18.05.2016, insofar as properties alleged to be in possession of petitioners 5 and 6, learned counsel for the petitioners seeks withdrawal of the writ petition insofar as petitioners 5 and 6 are concerned with liberty to work out their remedies as and when the cause of action arise.

3. Confronted with the fact that there was no valid lease subsisting in the name of petitioners 1 to 4, learned counsel for the petitioners submit that the petitioners 1 to 4 may be allowed to take existing crop and they may be continued in possession for a period of one (1) month.

4. Having regard to the said submission, the Writ Petition is disposed of insofar as petitioners 1 to 4, directing the first respondent Temple to permit petitioners 1 to 4 to continue in occupation of the subject properties for a period of one (1) month from today and permit petitioners 1 to 4 to take the existing crop, if any, subject to payment of the lease amount as per the highest bid amount in the auction held on 18.05.2016. The amount payable is proportionate for one (1) month period. This order shall operate subject to petitioners 1 to 4 filing an undertaking before the first respondent within a period of one (1) week from today agreeing to vacate the premises after one (1) month from this date. Subject to the fulfillment of the above conditions, the first respondent Temple shall continue petitioners 1 to 4 in the subject properties for a period of one (1) month from this date and in the meantime, the first respondent Temple is entitled to finalize the auction proceedings and to award lease to the successful bidder. The writ petition is dismissed as withdrawn insofar as petitioners 5 and 6 are concerned with liberty as sought for. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 19th May, 2016

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Note: Issue C.C. in two (2) days.

(B/o.)

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.16361 of 2016

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Date: 19th May, 2016

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