

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.25349 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondents in conducting public auction in respect of the leasehold rights of the 5th respondent temple lands as illegal and arbitrary.

2. Heard the learned counsel for the petitioners, learned Government Pleader for Endowments (Andhra Pradesh) and Sri A.Sreekanth Reddy, learned standing counsel for Endowments representing respondent No.5.

3. It is an admitted fact that the 5th respondent – temple is having agricultural lands in Sy.No.59/3 of Pavuluru Village, Inkollu Mandal, Prakasam District. It is the case of the petitioners that they are cultivating tenants of the 5th respondent temple for the last 50 years. As per the averments made in the affidavit, the petitioners are landless poor persons, therefore, they are entitled to continue as cultivating tenants of the 5th respondent temple.

4. The petitioners filed the present Writ Petition challenging the action of the respondents in conducting public action in respect of the leasehold rights of the temple lands. It is the case of the petitioners that Petitioner Nos.1 to 7 and 9 have participated in the public auction conducted on 20.07.2016 and became highest bidders. For one reason or the other, the petitioners have not paid the bid amount. When the matter came up for admission on 29.07.2016, this Court directed the petitioners to deposit the bid amount on or before 12.08.2016, failing which, the respondents are at liberty to proceed in accordance with law. Today the learned counsel for the petitioners submitted that petitioner Nos.1 to 7 and 9 have deposited the bid

amount. He further submitted that the 8th petitioner has not participated in the public auction. However, the 7th petitioner became highest bidder in respect of the lands which are in possession of the 8th petitioner. The fact remains that the 7th petitioner became highest bidder in respect of Ac.7-00. The grievance of the petitioners is that the 5th respondent has neither adjusted the EMD amount towards the balance bid amount nor returned the same to the petitioners. The grievance of the 7th petitioner is that the 5th respondent is not accepting the bid amount in respect of Ac.3-50 cents out of the total extent of Ac.7-00.

5 . A duty is cast on the 5th respondent either to return the EMD amount or adjust the same towards the bid amount as per the terms and conditions of the auction notice. The learned standing counsel also submitted that the 5th respondent may not have any objections to receive the bid amount from the 7th petitioner in respect of Ac.3-50 cents.

6. Having regard to the facts and circumstances of the case and also the submissions made by both the counsel, the 5th respondent is hereby directed to receive the bid amount from the 7th petitioner in respect of Ac.3-50 cents apart from the bid amount already received in respect of Ac.3-50 cents. The petitioners are at liberty to make a representation to the 5th respondent with regard to the adjustment of the EMD amount. If the petitioners make such a representation, the 5th respondent is directed to consider the same and pass appropriate orders thereon, in accordance with law.

7. With the above direction, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

August 17, 2016.
Rns

T.SUNIL CHOWDARY, J