

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.2846 of 2016

Date:01.02.2016

Between:

Syed Anwar,
S/o Mahaboob Ali

..... Petitioner

And:

The State of Telangana., repled, by its
Principal Secretary, Municipal Administration
& Urban Development Department,
Hyderabad and two others.

.....Respondents

Counsel for the Petitioner: Mr. Rama Rao Immaneni

Counsel for Respondent No.1: AGP for Municipal Admn.
(TS)

The Court made the following:

ORDER:

This Writ Petition is filed for the following
substantive relief:

“... to issue a Writ of *Mandamus* declaring the
action of respondent Nos.2 and 3 in forcibly
locking the business premises allotted to the
petitioner, vide proceedings bearing file
No.451/ (3) A1/001, dated 15.02.2002,
holding a view that to have completed 25
years, though the tenancy commenced from
15.02.2002, as being illegal, arbitrary,
unconstitutional and against the letter and

spirit of Articles-19 and 21 of the Constitution of India apart from being violative of resolution adopted by respondents in the General Body meeting, dated 24.03.2003, and consequently, to direct respondent Nos.2 and 3 to remove the locks kept on the shop bearing No.B3 situated at Municipal Complex, Mancheriyal, Adilabad District, leased out to the petitioner.”

After arguing the case and realising the futility of filing this Writ Petition, Mr. Immaneni Rama Rao, learned counsel for the petitioner, submitted that his client will be satisfied if respondent No.2 allows him to take away the stocks lying in shop bearing No.B3 situated at Municipal Complex, Mancheriyal, Adilabad District and puts the said shop to public auction to enable him to participate therein.

Mr. N.Praveen Kumar, learned Standing Counsel for Municipalities (Telangana State), submitted that his client has no objection for allowing the petitioner to take away the stocks lying in the above-mentioned shop. He has further submitted that in the year 2012, the said shop was put to auction; that respondent No.2 has received bids from third parties; that in view of the interim stay granted by this Court, the bids could not be finalised; and that, in these facts of the case, respondent No.2 is unable to decide as to whether the bid process initiated in the year 2012 shall be continued or fresh auction is to be held.

In my opinion, respondent No.2 cannot resume the bid process which was stopped in the year 2012, in view of long lapse of time, and it is in its own interests that fresh auction is held.

Accordingly, the Writ Petition is disposed of in the following terms:

- (1) Respondent No.2 shall permit the petitioner to take away the stocks lying in the

above-mentioned shop; and

(2) Respondent No.2 shall take steps to put the above-mentioned shop to auction and complete the bid process within two months from the date of receipt of a copy of this order.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.3568 of 2016 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

01st February, 2016

DR