

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.35901 of 2016

ORDER:

The petitioner prays for the following relief :-

“.... to issue an order or orders, direction or directions, writ or writs or any other appropriate writ particularly in the nature of "WRIT OF MANDAMUS" and declare the inaction of the official respondents in not allotting the 'Peddacheruvu' belongs to the 5th respondent in favor of petitioner who is the successful bidder in the auction conducted on 20.09.2014 is illegal, arbitrary and violative of Art.14, 19(i) (g) 21 of the Constitution of India consequently direct the respondents to hand over the 'Peddacheruvu' belongs to the 5th respondent for fishing rights as per the public auction notice dated 1.9.2014 ....."

Mr.Swamy, having regard to the order passed by this Court in W.P.No.26742 of 2014, confines his prayer to direct respondents 3 to 5 to refund the EMD deposited by the petitioner for participating in the auction held on 20-09-2014 and the amount deposited towards first instalment.

Now the issue of fishing right is relegated to respondents 3 to 5 for decision in accordance with law.

For no fault of petitioner and in view of the interim order granted by this Court, the petitioner could not enjoy the auction held in his favour. The alternative submission of learned counsel for petitioner appears to be reasonable and tenable. Hence, the writ petition is disposed of by this order.

(a) Respondents 3 to 5 are directed to refund the EMD and the first instalment deposited by petitioner within four weeks from the date of receipt of a copy of this order.

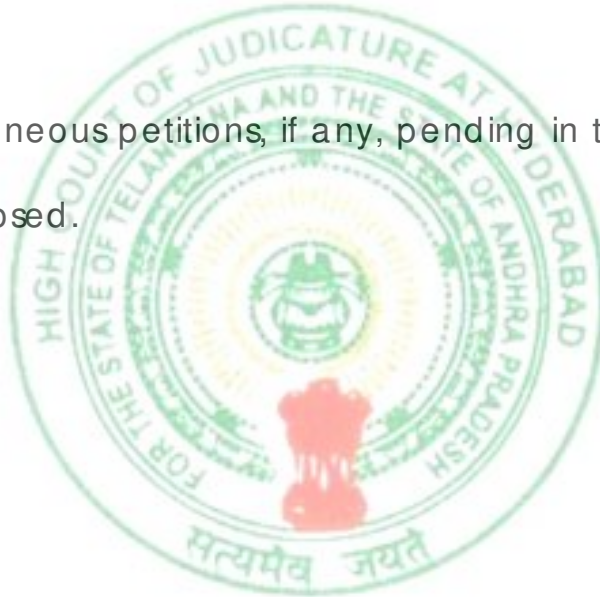
(b) The statement of learned Standing Counsel to make payment within the above period is accepted.

(c) In case of default in making the payment within the time granted by this Court, it is needless to observe that the petitioner is entitled to simple interest at 6% per annum from the date of respective deposits made by the petitioner till the date of repayment. If the amount is paid within the period granted by this Court, the refund does not carry interest.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

Dt: 13-03-2017  
Pv



S. V. BHATT, J

