

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3528 of 2017

ORDER:

Heard Sri N.Subba Rao, learned counsel for the petitioner, learned Government Pleader for Endowments appearing for respondent Nos.1 to 3 and Smt K.Lalitha, learned Standing Counsel for respondent No.4 – Temple.

It is the case of the petitioner that, in the year 2014, he participated in the auction conducted by respondent No.4, for grant of leasehold rights of land admeasuring Ac.2.21 cents in Sy.No.37/5 of Chidipi Village, Kovvur Mandal, West Godavari District, and emerged as a successful bidder. However, citing certain litigation, respondent No.4 – Temple has not handed over possession of the subject land though he was successful bidder. In as much as the petitioner has been prevented to enjoy the success which he attained on account of being declared as a highest bidder, learned counsel for the petitioner submits that the impugned auction notice cannot be allowed to be proceeded with. Learned counsel also submits that part of the amount, which was paid by the petitioner, has not been refunded so far.

Learned Standing counsel appearing for respondent No.4 - Temple opposes the Writ Petition.

The case on hand does not deserve consideration, for the reason that, admittedly, the petitioner is not in possession and he was not handed over possession of the subject land pursuant to the auction conducted on 07.11.2014. If the petitioner has paid part of the amount, the same has to be refunded by respondent No.4 - Temple. The petitioner, however, shall also be entitled to compensation, in accordance with law, which may be required to be determined by the appropriate forum. It may also be noted that the petitioner did not seek to enforce the right of lease, in respect of the subject land, pursuant to auction notice dated 07.11.2014. Admittedly, the impugned auction notice is to lease the subject land from 2017-2018 to 2019-2020, which is independent of earlier auction notice dated 07.11.2014.

In the circumstances, there being no merits in the Writ Petition, it does not deserve any consideration, and is, accordingly, dismissed.

Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

JUSTICE CHALLA KODANDA RAM

Date: 02.02.2017
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