

THE HON'BLE SRI JUSTICE P.KESHA RAO

Writ Petition No.19323 of 2007

ORDER:

Heard learned counsel for the petitioners as well as the respondents.

The present petitioners who are residents of Kuchipudi Village in Guntur District filed the present writ petition questioning the auction of the fishing rights of the tank situated in an extent of Ac.12-32 Cents of government poramboke land, situated at Pulichinthalapalem Village, Amrathaluru Mandal, Guntur District, by the respondents as arbitrary and beyond the jurisdiction, competence and violation of the Articles 14 and 19 of the Constitution of India and consequently sought a direction to restrain the respondents from auctioning the fishing rights of the said tank.

It is the case of the petitioners that the respondents in pursuance of an advertisement in the form of pamphlet sought to auction the leasehold rights of the land for the period with effect from 18.09.2007 to 31.08.2009. In the said notification, it is mentioned that the persons intended to participate in the auction can deposit a sum of Rs.5,000/- before participating in the auction. The auction will be held on 13.09.2007 at 11.00 A.M. in the premises of Sri Ramalingeshwara Swamy Devasthanam, Kuchipudi. Questioning the issuance of the said advertisement in the form of pamphlet, the present writ petition is filed. The Petitioners mainly contended that the respondents are not the owners of the said tank. That apart, the counsel for the petitioners also brought to the notice of the Court by referring to an order of the Apex Court in Civil Appeal No.540 of 1981, dated 08.01.1992, submitted that the Apex Court was pleased to consider the contentions raised therein and held that the subject land in this W.P. is a Government land.

Therefore, the respondents have no authority in law to auction the lease hold rights in respect of the said tank.

Per contra, learned counsel for the 2nd respondent filed a counter affidavit, denying the averments made in the affidavit filed in support of the writ petition and *inter alia* contended that the petitioners have no *locus* to file writ petition.

Be that as it may, a perusal of the advertisement issued in the form of a pamphlet indicates that the auction of the leasehold rights will be held on 13.09.2007 in the premises of the Sri Ramalingeshwara Swamy Devasthanam for a period of two years with effect from 18.09.2007 to 31.08.2009. If that being the position, the said period is already expired. This Court feels that no further cause survives in the writ petition. Therefore, the writ petition is dismissed. If any interim orders are there pending writ petition, they shall also stand vacated. However, the learned counsel for the petitioners sought permission to agitate his rights in an appropriate forum. Accordingly, liberty is given to the petitioners to pursue their remedies available to them before the appropriate forum as per law.

Miscellaneous petitions, if any, pending shall stand closed.

P.KESHAVA RAO, J

Dt.21.11.2017

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