

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Appeal Nos. 559 of 2012 and 164 of 2013

Common Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Both these appeals are integrally connected. The grievance of the appellant herein, who is the petitioner in the writ petition, is against the directions issued by the learned Single Judge directing auction of the leasehold rights of Kakani tank by the Revenue Divisional Officer, Narsaraopet with the approval of the District Collector; in directing that 50% of the amount collected should be allocated to the Water Users Association, which in turn should be spent for the repair of the tank and improvement of the facilities in the ayacut with the approval of the concerned Executive Engineer of the Irrigation Department; 30% should be allocated to the Gram Panchayat and this amount should be utilized exclusively for the purpose of developmental activities; and 20% should be allocated to the Revenue Department and efforts should be made to streamline the process of auctioning the tank year after year after providing necessary infrastructure. The learned Single Judge directed the report of the Revenue Divisional Officer to be forwarded by the District Collector to the concerned authorities in the Fisheries Department for necessary action; if any amount was recovered in the proceedings, it should be utilized in the same manner as indicated earlier; and if any person had any grievance as to the earlier transactions, it was open to them to make a representation to the District Collector.

While we find considerable force in the submission of Sri G. Vidya Sagar, learned Senior Counsel appearing on behalf of the appellant-writ petitioner, that this Court would not, ordinarily, undertake the exercise of directing the manner in which an auction should be conducted, or the manner in which the proceeds of the auction should be apportioned, the

fact remains that the auction notice, under challenge in the Writ Petition, is dated 24.8.2011, and was issued nearly six years ago. The writ petition was disposed of by the learned Single Judge on 30.12.2011 and, in the absence of any interim orders in these appeals, the order of the learned Single Judge would have been implemented.

We are satisfied that the cause in the writ appeal does not survive. Suffice it to make it clear that the directions issued by the learned Single Judge, regarding the manner in which lease should be granted and regarding apportionment of the lease amount between various authorities, shall be confined only to the auction held pursuant to the auction notice dated 24.8.2011, and not thereafter. If the appellant-writ petitioner has any grievance regarding any subsequent auction notice, it is open to them to avail their legal remedies.

Both the Writ Appeals are, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

13th April, 2017

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