

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16893 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action of the respondents 2 to 4 in conducting public auction on 16.05.2017 in pursuance of notice dated 02.05.2017 in respect of the land of an extent of Acs.1.00 cents in Sy.No.229 of Peddevam Village, Tallapudi Mandal, West Godavari District, though the petitioner is a landless poor agriculturist, as illegal and arbitrary and consequently, set aside the public auction notice issued by the 4th respondent, dated 02.05.2017 insofar as the petitioner's agricultural land is concerned.

Heard and perused the material available on record.

The case of the petitioner is that originally the husband of the petitioner was the cultivating tenant in respect of an extent of Acs.1.00 cents of dry land in R.S. No.229 of Peddevam Village, Tallapudi Mandal, West Godavari District. After the death of her husband, the petitioner is continuing as tenant of the said land. The 3rd respondent declared the petitioner as landless poor vide proceedings dated 21.08.2004. The 2nd respondent issued proceedings extending the lease upto 2016 by enhancing the makta from Rs.9,000/- to Rs.10,100/-. While so, the petitioner made a representation on 25.06.2016 to the 3rd respondent for extension of lease. But, the 3rd respondent issued auction notification on 02.05.2017 in respect of the subject land, proposing to conduct auction of the leasehold rights for three years. The grievance of the petitioner is that she is a landless poor person and the Tahsildar also issued a certificate to that effect, and that she is in continuous leaseholder of the said property and that without considering her case

for extension of the lease and also without giving any notice to her, the 3rd respondent has issued the public auction notification on 02.05.2017 to conduct auction on 16.05.2017 at 10.00 am. Hence, this writ petition.

When the matter is taken up for hearing, learned Standing Counsel for the 4th respondent submitted that the as per the interim direction passed by this Court 11.05.2017, the auction was conducted, but the same was not finalized.

Learned counsel for the petitioner submitted that the petitioner is ready to pay the highest bid amount in the auction as enhanced lease amount, without prejudice to seek any remedy before the appellate Authority.

Recording the said submission of the learned counsel for the petitioner, the petitioner is permitted to continue in possession of the land in question on payment of the highest bid amount in the auction conducted by the respondents, as enhanced lease amount on or before 20th July, 2017. In case the petitioner fails to pay the said amount within the specified time, the respondents are at liberty to proceed further.

Accordingly, the Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

June 29, 2017
KTL