

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.21231 of 2011

Order:

This Writ Petition is filed for the following relief.

“To issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action on the part of the respondent in not executing lease deed in favour of the petitioner for leasing out Shop No.3 near Super Bazar, Municipal Shopping Complex for which auction was held on 22.03.2011 and issuing open auction notice dated 08.06.2011 which was published on 11.06.2011 to the shops for fresh auction is illegal and unconstitutional and consequently direct the respondent to execute the lease deed to give the shop No.3 of the Municipal complex constructed in Super Bazar main road Ichapuram for which auction was held on 22.03.2011 for a period of 5 years in favour of the petitioner after setting aside the decision of the authorities to cancel auction held on 22.03.2011 and the open auction notice dated 08.06.2011 published on 11.06.2011 and any further notices to be given in this regard.”

When the matter is taken up for consideration, it is brought to the notice of this Court by the learned counsel for the petitioner as well as by the learned counsel for the respondents that the subject matter of this Writ Petition is squarely covered by the orders of this Court in W.P.Nos.15747 and 17627 of 2011 dated 15.11.2016. This Court disposed of the said writ petitions with the following observations.

“In view of the long lapse of five years and the shops being vacant as on today, keeping in view the loss of finances to the third respondent Municipality, these Writ Petitions are disposed of giving liberty to the third respondent to conduct re-auction by issuing a fresh notification and it is open to the petitioners to participate in the said auction. There shall be no order as to costs.”

In view of the above, this Writ Petition is also disposed of in accordance with and in terms of the above order in W.P.Nos.15747 and 17627 of 2011 dated 15.11.2016. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 03.01.2017
Nsr

