

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION NO. 9459 of 2005

ORDER :

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the auction proceedings of respondent Nos.1 to 3 vide Notification No.E2/ 1774/ 2005, dated 16.04.2005, published in Eenadu, Medak District edition, in respect of the petitioners' plot Nos.2 and 3 in Survey No.1906 of Sddipet, Medak District, and the consequential auction to be held on 30.04.2005, as illegal and arbitrary.

2. The averments in the affidavit filed in support of the writ petition would show that the petitioners have purchased properties under different extents in Survey No.1906 situated at Sddipet. Subsequently, the petitioners, purchased the plots in dispute and applied for permission for construction and the grampanchayath granted permission. Thereafter, the petitioner made constructions, in accordance with the law. It appears that there are buildings with compound wall in the above said plots. While things stood thus, the tender notification dated 16.04.2005 came to be issued for auction for the said lands. Challenging the same, the present writ petition came to be filed.

3. By an order dated 28.04.2005, this Court granted interim stay of auction in respect of the petitioners' properties bearing plot Nos.2 and 3 in Survey No.1906 of Sddipet, Medak District.

4. The relevant portion of the counter affidavit filed by the Tahsildar reads as under:

“It is submitted that it is true that the then District Collector, Medak District at Sangareddy issued Tender Notice cum open public auction of Government land situated at Sddipet Town in Survey No.1906, plot No.2 admeasuring 969 square

yards, and plot No.3 admeasuring 1003 square yards and invited tenders in sealed covered from, the general public. The said open auction is proposed to be held on 30.04.2005. However, as there was no response for the tender notice cum open public auction notification dated 16.04.2005 and the same is not acted upon. As such present writ petition filed challenging the said tender notice cum open public auction dated 16.04.2005 has become infructuous and this writ petition may be dismissed as such. However as per the record available with this office petitioners are purchasers of assigned land in contravention of provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 and as such a liberty may be given to Government to proceed against the petitioner according to law".

5. In view of the averments made in the counter filed by the Tahsildar, that there was no response to the tender notice dated 16.04.2005 for auction of the plot No.03, which was proposed to be held on 30.04.2005, nothing survives for adjudication in the writ petition. However, learned counsel for the petitioner denies the allegation made in counter affidavit wherein it has been stated that "...as per records available with this office, the petitioners purchased the assigned land in contravention of the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 and as such liberty may be given to the Government to proceed against the petitioners".

6. Learned counsel for the petitioners would submit that if any positive direction is given to the respondents, it would be like a direction to the authorities to immediately proceed against the petitioners. On the other hand, learned Government Pleader for Revenue would submit that if any buildings are constructed in the said Government land, authorities would proceed in accordance with law.

7. In view of the above, without adjudicating the title or without expressing any opinion with regard to the said aspect, the present writ petition is closed, recording the objections made by the learned Government Pleader. No costs.

Consequently, miscellaneous petitions, if any pending, shall stand closed.

02.08.2017
vhb

JUSTICE C. PRAVEEN KUMAR

