

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22796 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the open tender notice, dated 01.07.2017, issued by the 2nd respondent, as illegal and arbitrary and contrary to record and violative of principles of natural justice and consequently set aside the said notice and further direct the respondents not to dispossess the petitioner from the subject land admeasuring Ac. 3.00 cents in Survey No.219, situated at Padala (V), Pentapadu (M), West Godavari District, except due process of law.

2. Heard learned counsel for both sides and perused the material available on record. With the consent of learned counsel for both sides, the writ petition is taken up for disposal at the stage of admission.

3. It is the case of the petitioner that the petitioner is the statutory tenant of the land admeasuring Ac. 3.00 cents in Survey No.219, situated at Padala (V), Pentapadu (M), West Godavari District, belonging to the 2nd respondent since 50 years and he is in occupation of the said land as tenant and eking out his livelihood by cultivating the said land and that the petitioner is not having any other source of income. On 01.07.2017, the 2nd respondent has issued impugned tender notice, dated 01.07.2017, without following due procedure and without issuing any notice about the lease as well as without prior intimation to the petitioner.

4. The main grievance of the petitioner is that in view of the impugned tender notice, dated 01.07.2017, the petitioner's right to approach the appropriate appellate authority within reasonable time is taken away and if the said auction is conducted on 11.07.2017 as per the said auction notice, dated 01.07.2017, the petitioner may not have any opportunity of establishing his case before the appellate authority and ultimately petitioner's right of appeal will be infringed and the petitioner may not have any opportunity to establish his case.

5. On perusal of the record, it is evident that the 2nd respondent has issued tender notice on 01.07.2017, without giving any opportunity to the petitioner to prefer an appeal before the Endowments Tribunal, Pedakakani, with an intention to conduct the auction on 11.07.2017. Hence, the petitioner approached this Court seeking a remedy to set aside the impugned tender notice, dated 01.07.2017.

6. Taking into consideration the facts and circumstances of the case, this Court is of the view that the impugned tender notice, dated 01.07.2017, is liable to be set aside.

7. Accordingly, the Writ Petition is allowed by setting aside the impugned tender notice, dated 01.07.2017, issued by the 2nd respondent to the petitioner. The petitioner is directed to prefer an appeal before the Endowments Tribunal, Pedakakani, on or before 30.07.2017 and after filing of an appeal by the

petitioner, the respondent authorities are directed to take appropriate action, in accordance with law.

RAJA ELANGO, J

Date: 11th July, 2017

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