

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.37279 OF 2017

ORDER:

This petition is filed for a writ of *Mandamus* declaring the Auction Notification No.AMC/C/171/2017-18, dated 26.10.2017, issued by the 4th respondent, as arbitrary and illegal and consequently declare that the petitioners are entitled to hold the shops on lease pursuant to bid dated 04.10.2017.

Heard learned counsel for the petitioners.

Sri G.Neeraja Reddy, Learned Standing Counsel for respondents 2 to 4-Agricultural Market produced letter dated 17.10.2017, wherein it is stated that by reason of receiving lesser bid amount to the subject shops compared to other shops, a decision was taken by the Market Committee to issue fresh auction notification by cancelling the earlier auction notification. She further submits that in pursuance to the fresh notification Rs.21,700/- per month, was quoted for Shop No.9 and Rs.19,700/- per month was quoted for Shop No.11 as bid amount, whereas petitioners quoted only Rs.2,500/- per month, for each shop in the earlier notification. She further submits that since this Court granted interim order on 07.11.2017 granting stay of finalisation in respect of subject shops 9 & 11, the respondents could not finalise the auction.

It is to be seen that in pursuance to the earlier auction notification dated 26.10.2017, the bid amount quoted by the

petitioners is only Rs.2,500/- per month in respect of shop Nos.9 and 11, whereas in pursuance to the fresh impugned notification the bid amount for the subject shops has gone up and the subject shops were quoted Rs.21,700/- and 19,700/- per month, respectively. As the respondents felt that the subject shops were quoted lesser amount than the other shops, which causes financial loss to the market committee, they decided to cancel the earlier auction notification dated 26.10.2017. In view of the same, this Court is not inclined to extend the interim orders, further. Though learned counsel for the petitioner submits that notice was not issued to them, the fact remains that in such circumstances, question of issuing notice does not arise. In view of the same, I do not find any merit in the writ petition and this Court is not inclined to exercise its extra ordinary equitable jurisdiction under Article 226 of the Constitution of India in granting relief to the petitioners.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

14.11.2017
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