

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND**

THE HON'BLE Mr. JUSTICE ABHINAND KUMAR SHAVILI

Writ Appeal Nos.1628 and 1629 of 2017

Common Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The appellants herein are the petitioners in the writ petition wherein they questioned the auction notification issued by the respondents for auction of the leased shops of the District Sports Authority, Kurnool.

In the order under appeal, the learned Single Judge noted that, after arguing for some time, the appellants-writ petitioners had confined their prayer only for grant of time till 28.2.2017 to vacate the shops in the possession of the appellants-writ petitioners. The learned Single Judge directed that the appellants-writ petitioners should file an undertaking before the 2nd respondent to vacate, and deliver vacant possession of the shops within ten days from the date of receipt of a copy of the order; and till the date of delivery of possession, on their continuing to pay rents and clearing all the dues, the second respondent should not disturb the possession of the appellants-writ petitioners till 28.2.2017.

Despite confining their request before the learned Single Judge only for grant of time till 28.2.2017 some of the petitioners, in the said batch of writ petitions, have preferred appeals before us contending that they should be granted further time. More than eight months have elapsed from the date on which the appellants-writ petitioners were required to vacate the premises in terms of the order of the learned Single Judge, ie by 28.2.2017. Having confined their prayer, before the learned Single Judge, only for grant of time to vacate the premises till 28.2.2017, and thereafter to deliver vacant possession, the present

appeals are filed questioning the validity of the auction notification itself. These appeals are an abuse of the process of Court.

W.A.(SR) Nos. 20854 and 20859 of 2017 are, accordingly, dismissed with exemplary costs of Rs.5,000/- (Rupees Five Thousand Only) in each of Writ Appeals, which the appellant shall pay the second respondent within four weeks from today failing which it is open to the second respondent to recover the said amount in accordance with law. Miscellaneous Petitions pending, if any, shall also stand dismissed.

(RAMESH RANGANATHAN, ACJ)

(ABHINAND KUMAR SHAVILI, J)

1st November, 2017

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Date: 1.11.2017

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