

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

Writ Petition No.10270 of 2018

ORDER:

Heard learned Counsel appearing for the petitioners and Sri G.Seshadri, learned Standing Counsel Mandal Praja Parishad.

Earlier, the writ petitioners approached this Court by way of filing W.P.No.38990/2017 and batch assailing the tender-cum-public auction notice, dated 04.11.2017, issued by the Mandal Parishad Development Officer, Mangalagiri Mandal Parishad, Guntur District, wherein he invited sealed tenders for allotment of shops in the shopping complexes known as Pathuri Nagabhushanam shopping complex and Dr.YSR Shopping complex. This Court by way of an order, dated 29.01.2018, dismissed the said writ petitions, granting time till the end of March, 2018 for vacating the subject premises on payment of rents. Aggrieved by the said Order, the petitioners in the said Writ Petition preferred W.As.No.421/2018 and batch and the Division Bench of this Court dismissed the said Writ Appeals on 08.03.2018 confirming the orders passed by the learned Single Judge.

Now, on the ground that in the auction conducted, the highest bidders in the auction though quoted more than the upset price have not complied with the tender conditions nor made deposit in terms of the conditions of the tender, petitioners want their continuation.

When the matter is taken up, written instructions furnished by the Mandal Parishad Development Officer, Mandal Parishad, Mangalagiri, are placed on record by Sri G.Seshasdri, learned Standing Counsel appearing for the Panchayat. The relevant paragraphs in the said written instructions read as under:-

“It is further submitted that as per the Hon’ble Court Judgment, dated 28.07.2016, the Hon’ble Court had permitted the lessees to continue the petitioners in the subject premises up to the conduct of auction to the shops. But some of the petitioners have not participate din the auction conducted on 23.11.2017 and repeatedly asking for extension of time to vacate the shops and willing to pay the upset price. But in the auction on 23.11.2017 the highest bidders of shop Nos.2, 3, 7, 10, 18 (petitioners of earlier petitions) have already paid the rent deposits in the shape of demand draft and submitted to the Mandal Parishad. Hence, there is no scope to allot the said shops to petitioners for upset price fixed by the Mandal Parishad.

It is further submitted that as per the orders of the Hon’ble Court, dated 29.01.2018, two notices were given to the petitioners for vacating the shops by 31.03.2018 and requested to submit the undertaking to the Mandal Parishad as ordered by the Hon’ble Court. The petitioners of YSR Shopping complex have submitted the undertakings. But the petitioners of W.P.No.10270 of 2018 have not submitted the undertakings.

It is further submitted that the highest bidders of Shop Nos.2, 3, 7, 10 and 18 of PNB Shopping Complex have already paid 12 months rent deposit through demand drafts and submitted to the Mandal Parishad, for shop No.4 the highest bidder, Sri Battula

Bhaskararao S/o.Venkateswara Rao fo Nowluru has informed on phone that he is willing to pay the rent deposit for 12 months if the Mandal Parishad is ready to hand over the shop. At present, the Mandal Parishad is not in a position to handover the shops to the highest bidders as the present writ petitioners are not vacating the shops as directed by this Hon'ble Court in the earlier Writ Petition.

It is further submitted that the highest bidders of shop Nos.4, 8, 9 and 11 are contacted on phone for depositing the rents.

Further, it is submitted that we came to know that the tenants of shop Nos.4, 7, 8, 9 and 10 were given sub-lease to others and getting more income from the shops, and the petitioners disobeyed the Court Orders by not submitting the undertaking to the Mandal Parishad. They have given a chance up to 03.04.2018 but they have not turned up again and again approached the Hon'ble Court and giving more troubles to the Mandal Parishad. A statement of details are submitted herewith for kind perusal of the Hon'ble Court.

The new lease holders who paid the deposits have demanding the authorities to hand over the shops for running their business.”

Having regard to the earlier orders passed by this Court and in view of the written instructions furnished by the learned Standing Counsel, which are narrated above, this Court is not inclined to entertain the present Writ Petition. However, one week time is granted from today to the petitioners herein to vacate the subject shops and hand over to the respondents.

In the result, the Writ Petition is dismissed. Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

JUSTICE A.V.SESHA SAI

Date :19.04.2018
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