

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.24951 OF 2009

ORDER:

This Writ Petition is filed to declare the action of the first respondent in issuing notice dated 22.10.2009 directing public auction of the leasehold rights for the year 2009-10 in respect of Acs.6.60 cents in Survey No.303 of Peddapulivarru (dry land) to be held on 26.10.2009 without evicting the petitioner, as illegal.

The case of the petitioner is that the leasehold rights of the subject land were auctioned in the year 2009-10 and that the second respondent was the highest bidder. Learned counsel for the petitioner submits that as the leasehold rights pertain to the year 2009-10, no further orders are necessary. However, the case of the petitioner is that there was standing crop at the time of handing over the possession of the subject land to the second respondent.

Counsel for the petitioner also relies upon the submission made in the counter affidavit filed by the first respondent-Matham wherein it has been stated that - "more over, the second respondent has been put in possession of the land and paddy crop on 26.10.2007 and paid Rs.1,95,000/-".

When the Writ Petition came up for admission, initially, an order of *status quo* was passed on 18.11.2009. Later, vacate stay petition was filed on 23.11.2009 seeking vacation of the said order. However, on 21.12.2009, this Court passed an order which reads as follows.

"This Court is not inclined to express any opinion touching the merits and demerits of the case at this stage, however in the interest of justice let the Executive Officer –

1st respondent harvest the standing paddy crop which is said to be ready for harvest on the subject lands and keep the sale proceeds in Bank Deposit until further orders. It is stated that if there is any delay, the crop would be seriously damaged and the yield may be substantially reduced. In the light of the same, let the Executive Officer complete the same in the presence of the parties i.e., the writ petitioner and the 2nd respondent at an early date preferably not later than one week.”

Learned counsel for the petitioner submits that the subject land has been handed over to the second respondent along with the standing crop. On that, as per the direction of this Court, the Executive Officer was directed to harvest the standing crop which was ready on the subject land as on that day and keep the sale proceeds with the bank deposit until further orders.

In terms of the order of this Court dated 21.12.2009, the Writ Petition is disposed of giving liberty to the petitioner to file a representation before the first respondent. If such representation is filed, the first respondent is directed to take action in accordance with law, as expeditiously as possible. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(KONGARA VIJAYA LAKSHMI, J)

14th November 2018
RRB