

HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.3996 of 2006

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader.

The prayer in the writ petition is as under:

“For the reasons and in the circumstances stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an order or direction more in the nature of writ of mandamus calling for the records relating to the Procd.No.E2/1774/05-1, dated 09.01.2006, issued by the respondent and declare the same as illegal, arbitrary and violative of the principles of natural justice and further direct the respondent to handover the possession of 29 guntas of land in Sy.No.1065 of Ameenpur village of Patancheru Mandal, Medak District on payment of the bid amount and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The facts of the case are that pursuant to a tender-cum-public auction notification vide Lr.No.E2/1774/05 dated 16.04.2005, the petitioner had participated in the public auction on 30.04.2005. He was the successful bidder with regard to the land admeasuring Ac.0.29 guntas in Sy.No.1065 situated at Ameenpur Village. However, in respect of the subject property, the respondent has cancelled the auction conducted on 30.04.2005 vide proceedings No.E2/1774/04-1 dated 09.01.2006. The said proceedings are impugned in the present writ petition.

Learned counsel appearing for the petitioner would contend that the respondent has resorted to cancel the auction so far as the subject land is concerned, but has proceeded with another piece of land to an extent of Ac.1.09 guntas in Sy.No.1059. On that ground

the learned counsel contend that the action of the respondent is discriminative.

Though the writ petition was filed in the year 2006, no counter affidavit is filed. However, learned Government Pleader appearing for the respondent submits that he had received instructions and as per the same, the present status of the subject land is vacant and it is not assigned to anybody. The reason shown for cancellation of the auction is that as per the inspection of the Joint Collector, Medak, the prevailing market value in the vicinity of the subject land is varying from Rs.20 lakhs to Rs.25 lakhs per acre. Since the subject land is within the vicinity of the proposed outer ring road, the District Level Committee constituted as per the first and second referred Government Orders therein observed that the rate offered by the petitioner is very low and will not hold good and decided to cancel the auction conducted for the said land on 30.04.2005. The learned Government Pleader also brought to the notice of this Court the terms and conditions for auction of the Government lands in Medak and submits that the committee reserves the right to cancel, defer, cancel, alter, amend or modify the notification/advertisement calling for the applications for allotment. That apart, the committee also reserves the right to postpone or cancel the proposed auction at any time. The reason shown in the impugned proceedings for cancellation of the auction is because of the proposed outer ring road and inclusion of the subject land in Greater Hyderabad Municipal Corporation limits and due to sanction of four lane national high way road, the market

value of the subject land increased abnormally and the value of the same is varying from Rs.20 lakhs to Rs.25 lakhs per acre. However, as the highest bid is only for Rs.4.50 lakhs per acre, the District Level Committee observed that the rate offered is very low and is not in the interest of Government to proceed with and finalize the auction. Looking at the same, this Court feels that there is no irregularity or illegality in the impugned proceedings when the auction was cancelled to fetch a good price for the Government land if the same is sold at an appropriate price. That apart, unless the auction is finalized in all respects, the petitioner does not have any vested right to challenge the auction held on 30.04.2005. As such, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. Interim order, if any, stands vacated. No order as to costs.

Miscellaneous petitions, if any, shall also stand dismissed.

JUSTICE P. KESHAVA RAO

Date: 09.02.2018.
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