

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.28874 of 2018

ORDER:-

Heard learned Counsel for the petitioner and the learned Government Pleader for Endowments appearing for respondents No.1 and 2, and Smt.K.Lalita, learned Standing Counsel for R.3.

2. In the present Writ Petition, the grievance of the petitioner is that though the auction notification issued earlier on 20.08.2015, prescribed three years lease period from the date of handing over of the possession, totally ignoring the date of handing over of the possession to the petitioner on 01.03.2016, once again the present impugned notification has been issued by the 3rd respondent, proposing to lease out the subject property for another three years from 31.08.2018.

3. In elaboration of the same, it is submitted by the learned Counsel for the petitioner that if 01.03.2016 i.e., the date of handing over of the possession is taken into consideration, the petitioner herein would be entitled to continue as a lessee till the end of February, 2019.

4. On the other hand, it is submitted by the learned Standing Counsel for respondent No.3-institution that the maximum period of lease, which can be granted, is only three years and at the time of granting approval vide proceedings D.Dis.No.B2/22199/2016, dated 02.02.2017, the Office of

the Commissioner approved the lease for the period, commencing from 01.09.2015 to 31.08.2018 and the petitioner cannot ask the present relief without questioning the said proceedings.

5. It is submitted by the learned Counsel appearing for the petitioner that the proceedings Rc.No.B2/10269/2015, dated 18.09.2015 also clearly discloses that three years period would be commenced from the date of handing over the possession of the property. In fact, the petitioner herein, on 03.08.2018, submitted a representation to the Commissioner, Endowments Department, for redressal of her grievance. According to the learned Counsel for the petitioner, the same is pending consideration before the Commissioner.

6. Having heard the learned Counsel for the petitioner and the learned Standing Counsel, as the representation of the petitioner, dated 03.08.2018, is pending consideration before the Commissioner, this Court deems it appropriate to dispose of the Writ Petition, with a direction to the 2nd respondent-Commissioner to verify the said representation, dated 03.08.2018, said to have been submitted by the petitioner herein, and pass appropriate Orders on the said representation, strictly in accordance with law, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order. Pending consideration of the said representation, the 3rd respondent is entitled to proceed further with the auction

pursuant to the auction notification, dated 10.08.2018, but the same shall not be finalized till then.

Miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI

16th August, 2018.
smr

