

THE HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.34642 of 2013

ORDER:

This writ petition is filed to declare the action of the third respondent in conducting auction of the lands of the petitioners 1 and 2 admeasuring an extent of Acs. 5.38 cents in Sy.No.462/12 and an extent of Acs. 5.30 cents in Sy.No.463 situated at Peda Gogulapalli Village, CS Puram Mandal, Prakasam District, respectively, as illegal and arbitrary.

The case of the petitioners is that they are in possession of the subject land belonging to Sri Marga Shasreswara Swamy Temple; on 30.5.2009, an auction has been conducted and that the petitioners have become highest bidders; as there were no sufficient rains, the petitioners have grown up Japan Babul Trees in the subject land and that the trees have become big and they are ready for cutting; at this stage, the third respondent proposed to conduct auction of the said land and that the petitioners approached the third respondent and enquired as to why they are conducting the auction during agricultural season and requested not to conduct the auction till the end of the agricultural season i.e., April 2014 and in the meanwhile, they can cut the babool trees.

When the matter came up for admission, the following interim order was passed on 2.12.2013.

“The slated auctions may go on and the petitioners, if they are otherwise eligible, as per the conditions of the auction, may also be permitted to

participate in the auctions and in case, they emerge as the best bidders/offerers, they shall be deemed to have been inducted into possession, pursuant to the present auctions that are conducted and in case, the petitioners are not the best bidders, but some other third parties emerge as the best bidders, they must execute an undertaking before the temple as to the latest date by which they will be delivering vacant possession of the land in question, so as to enable the highest bidders to harvest the standing crop and accordingly, the temple may consider granting them the licence to cultivate the land in question till such a date, on such suitable terms and conditions with regard to the payment of the licence fee, only for the present crop. If it is realized, upon inspection, in the presence of the petitioners, that there is no standing crop, the best bidder shall straight away be inducted into possession of the lands”.

As per the said interim order, the auction was directed to go on and the petitioners were also permitted to participate in the said auction. If the petitioners were not the highest bidders in the auction, they were required to execute an undertaking by which date they will be delivering vacant possession of the land in question, so as to enable the highest bidders to harvest the standing crop. As the auction pertains to the year 2013 and in view of the interim direction granted on 2.12.2013, no further orders are necessary in this writ petition.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date:10/12/2018

Slk

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