

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.42084 OF 2018

Date: 22.11.2018

Between:

J.V.Janardhan Shetty, s/o. Venkataramaiah Shetty,
Aged about 65 years, r/o. China Gottigallu, Piler Post
and Mandal, Chittoor district.

.....Petitioner

and

The State of Andhra Pradesh, Department of Agriculture,
Rep.by its Principal Secretary, Secretariat, Velagapudi,
Amaravathi, Guntur district and others.

.....Respondents



The Court made the following:

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ORDER:

With consent of counsel for petitioner and the learned standing counsel representing Agriculture Marketing Committee, Writ Petition is disposed of at the admission stage.

2. Petitioner claims to be the licence holder and was granted licence in the year 1998 initially for a period of two years and subsequently renewed from time to time. However, no further auction was conducted after expiry of period of licence initially granted to the petitioner. Petitioner contends that after expiry of licence period in March, 2018, he has paid the renewal fee, which is still lying with the respondents. While so, notice dated 03.11.2018 was issued directing the petitioner to vacate the godown in Pilere Agricultural Marketing Committee and notice indicates that respondents are now taking steps to conduct fresh auction and, therefore, the premises has to be kept ideal to allot the same to the successful bidder.

3. On 18.11.2018 auction notice was issued proposing to conduct auction on 23.11.2018. This writ petition is filed challenging the notice of eviction. It is appropriate to note at this stage that the auction notice is not under challenge in this writ petition.

4. Learned counsel for petitioner fairly submits that petitioner is inclined to participate in the auction proceedings. However, he would submit that since renewal fee was received, the same should

be refunded to the petitioner or adjusted in the auction proceedings and that he should not be evicted until auction proceedings are completed.

5. Having regard to the same, Writ Petition is disposed of granting liberty to the petitioner to participate in the auction scheduled to be held on 23.11.2018. If the petitioner is the highest bidder, renewal fee already paid by him shall be adjusted. If the petitioner is not the highest bidder, the amount paid by him should be refunded to him after adjustment of any arrears liable to be paid by him. In the event of petitioner not successful in the open auction scheduled on 23.11.2018, petitioner shall have to vacate the subject premises and handover the premises by 31.12.2018. It is made clear that no further extension of time would be granted to petitioner for vacation of the subject premises. Pending miscellaneous petitions shall stand closed.

Date: 22.11.2018
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JUSTICE P.NAVEEN RAO

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