

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.456 of 2019

ORDER

In the present case, the petitioner seeks to release the earnest money deposit made by him towards security pursuant to the auction conducted on 31.08.2017, in response to the auction notice dated 19.08.2017 to lease out the land to an extent of Ac.2.00 in Sy.No.668 situated at Ramji Temple, Satham Rai Village, Shamsabad, Ranga Reddy District, belonging to the 4th respondent temple.

2. The facts, in brief, are that in response to the notice dated 19.08.2017, the petitioner had participated in the auction to take lease of the aforesaid land, and as he became the successful bidder, he deposited, in all, an amount of Rs.19,21,000/- towards security. However, on account of the interim order obtained by the petitioner in W.P.No.31356 of 2017, 5th respondent herein, the 4th respondent did not execute the lease deed in favour of the petitioner, and that as the original lease was proposed to be auctioned for a period of three years and due to lapse of time, petitioner is no longer interested in taking the said property on lease. However, as the security deposit of Rs.19,21,000/- is locked-up with the 4th respondent, petitioner made application to return the said amount. Citing the pendency of W.P.No.31356 of 2017, the 4th respondent is not releasing the said amount. Hence, he filed the present writ petition seeking a writ of mandamus to release the said amount.

3. Heard learned counsel for the petitioner, learned Government Pleader for Endowments for respondents 1 to 3 and Sri K. Jagan Mohan Reddy, learned Standing Counsel for respondent No.4.

4. When the matter came up before this Court on 21.01.2019, this Court directed to list this writ petition along with W.P.No.31356 of 2017. Today, when the matter came up, learned counsel appearing for the petitioner in W.P.No.31356 of 2017 sought adjournment, particularly, to answer the query as to what compensation or damages to be paid to the 4th respondent temple for the loss caused on account of the interim order passed in the said writ petition. *Prima facie*, the petitioner in W.P.No.31356 of 2017, 5th respondent herein, has no interest in the said land and admittedly, he has not even participated in the auction proceedings. In that view of the matter, the 5th respondent has no objection for refund of the amount deposited due to lapse of time and at this time, it is not possible to grant lease in favour of the petitioner. At any rate, petitioner also has no interest in taking the land on lease.

5. In the above circumstances, the 4th respondent is directed to return the amount of Rs.19,21,000/- to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is allowed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

4th February, 2019

sj