

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

W.A.No.541 of 2019

Date: 17.07.2019

Between:

Smt. Sanathana Vadla Rajini and another

...Appellants

and

The Union of India,
Rep. by its Army General,
Having its Office at South Hutments,
Kashmir House, Rajaji Marg,
New Delhi, and others.

...Respondents

Counsel for the appellants: Mr. R. Ranganathan

**Counsel for the respondent No.1: Mr. K. Lakshman,
Assistant Solicitor General**

**Counsel for the respondent Nos.2 and 3: Mr. A.K. Tiwari
For Mr.M.S. Achyuth Bharadwaj**

Counsel for the respondent No.4: Mr. S. Lakshmikanth

The Court made the following:

Judgment: *(per Hon'ble Sri Justice Raghvendra Singh Chauhan)*

The appellants are aggrieved by the order dated 02.04.2019, passed by a learned Single Judge of this Court in W.P.No.95 of 2019, whereby the learned Single Judge has dismissed the writ petition filed by the appellants.

In the writ petition, the appellants had challenged the action of the Army Welfare Housing Organisation (AWHO), the respondent No.2, in not considering the offer/proposal of the appellants for purchasing of Ac.26.55 guntas of land falling in Survey Nos.149 (C,D), 150 (B2), 88, 150(B3), 150(B), 150(A) and 151 located in Athivelli Village, Yellempet Mandal, Medchal District.

Briefly, the facts of the case are that, according to the appellants, on 08.06.2018, the respondent No.2, AWHO called for offers/proposals for sale of the land mentioned hereinabove, through The Hindu English Daily Newspaper. The offers/proposals were required to be sent along with the last three years Income Tax Returns, Solvency Certificate issued by Nationalised/Scheduled Bank indicating the purchase offer in rupees for the total land, while fulfilling the other terms and conditions as well. In response to the said paper publication, on 09.07.2018, the appellants sent their proposals, in sealed covers, to the respondent No.2. Subsequently, the appellants claim that they learnt that the said land was sold to M/s. Pranava Infra, the respondent No.4. However, the respondent No. 4 had failed to perform its

obligations. Therefore, the appellants made an offer for Rs.265 Lakhs per acre. The said offer made by the appellants was higher than the offer made by the respondent No.4. But the said offer was never accepted by the respondent No.2. Therefore, the appellants filed the writ petition before this Court. However, as mentioned above, by order dated 02.04.2019, the learned Single Judge has dismissed the writ petition. Hence, the present appeal before this Court.

This Court has raised a pointed query to the learned counsel for the appellants as to whether the appellants can claim that they have a civil or a fundamental right to buy a property which belongs to the respondent No.2 ? For, according to the facts narrated above, the said property was sold by the respondent No.2 to the respondent No.4. Although the sale might not have materialized, but the issue is whether the appellants can claim that they have a civil or a fundamental right to buy a property which belongs to a society or not ?

To this query, the learned counsel for the appellants frankly concedes that the appellants cannot claim a civil or a fundamental right to buy a property which belongs to a society.

Since the appellants concede the fact that they have neither a civil, nor a fundamental right to buy the property belonging to the society, obviously the writ petition filed by them was highly misplaced and misconceived.

Even otherwise, a bare perusal of the impugned order clearly reveals that the learned Single Judge has dismissed the writ petition *inter alia* on the ground that the respondent No.2-AWHO, happens to be a private society. Moreover, the case revolves around a private contract. Thus, it has no public law element involved. Furthermore, the learned Single Judge has clearly noticed the fact that the appellants cannot claim that they have a right to buy the property once they failed to make the highest bid for the property.

Since the learned Single Judge has given cogent and convincing reasons for dismissing the writ petition, this Court does not find any illegality or perversity in the impugned order. This appeal, being devoid of any merit, is hereby dismissed.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(Dr. SHAMEEM AKTHER, J)

Date: 17.07.2019

va