

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.16686 OF 2019

Date:06.08.2019

Between:

Sivaji Biradar, S/o. Ramarao,
Aged about 67 years, Occ: Business,
R/o.15-8-307, Feelkhana,
Hyderabad and others

.. Petitioners

And

Sri Mahalakshmi Temple, Feelkhana,
Hyderabad, rep., by its Executive Officer
and others

.. Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner, Sri K. Mohan Reddy, learned Standing Counsel for respondent No.1, and learned Government Pleader for Endowments for respondents 2 and 3.

2. Petitioners claim to be in occupation of the premises belonging to Sri Mahalakshmi Temple at Feelkhana. According to them, they are depositing the licence fee with the respondents. In this Writ Petition, the petitioners challenge the notification issued for conducting auction of the petitioners' leasehold premises belonging to Sri Mahalakshmi Temple. The said notice is challenged primarily on the ground that without evicting the petitioners from the leasehold premises, the authorities are proceeding to conduct auction.

3. According to learned counsel for the petitioners, as conducting of auction may result in granting of lease to another person and inducting him, no person can be inducted without evicting existing leaseholder. Therefore, it is premature to conduct fresh auction. Learned counsel for the petitioners placed reliance on the decision of the Division Bench in **SMT. VANKADARI RAMA RATHNAMMA AND ANOTHER v. SRI KHALYANAPURAM VIJAYAKUMAR BHATTAR AND OTHERS**¹. He also submits that the notice is published in Hindimilan which has very limited circulation and that it does not indicate the period of licence.

¹ 1993 (3) ALT 267

4. Insofar as the petitioners are concerned, they were already aware of the publication of the notice to conduct fresh auction. Therefore, the petitioners cannot complain that Hindimilan does not have wide readership as they are aware and challenge the notice published therein. In fact they challenged the similar notice published in same newspaper in earlier Writ Petition. Therefore, this contention cannot be appreciated.

5. According to learned counsel for the petitioners, the notice does not indicate the period of lease and on that ground also, the notification is not valid. However, the Writ Petition is premature as awarding of lease by the Temple is governed by the Rules and the Government Instructions. Further, successful auction participant may have a grievance only if unconscionable conditions are imposed after the auction proceedings are concluded, but not at this stage.

6. With reference to allegation of eviction, the issue is again premature inasmuch as petitioners are entitled to participate in the auction proceedings and if they are the highest bidders, automatically lease would be granted to them and in such an event, there is no need for eviction. Thus, the question of eviction would arise only if they do not participate in the auction or they would not become the highest bidders.

7. The decision relied by learned counsel for the petitioners does not come to the rescue of petitioners as facts in this case are distinguishable. Having regard to the above findings, this Court is not inclined to entertain the Writ Petition.

8. Leaving it open to the petitioners to work out their remedies as available in law, after the auction procedure is completed, the Writ Petition is dismissed. Further, it is always open to the petitioners to participate in the auction process. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P.NAVEEN RAO, J

Date:06.08.2019

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