

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.40909 OF 2014

ORDER:

Heard Smt Ramani Jonna, learned counsel for the petitioner and the learned Government Pleader for Revenue.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus or any other appropriate Writ, Order or Direction declaring the action of the Respondents 1 to 4 in insisting him to pay the balance sale consideration under the threat of forfeiting the advance sale amount paid in respect of the property purchased by him in the public auction which was advertised for sale by the 4th respondent vide sale advt. dt.20.08.2010 without legal, clear and marketable, title over the said property and in not refunding the amount already deposited by him as illegal, arbitrary and consequently direct the Respondents 1 to 4 to consider his latest representation dt.23.05.2014 to refund the EMD & amounts deposited by him pursuant to the said sale with interest @ 24% and pass such order

It has been contended by the petitioner that he has participated in the auction conducted by the 4th respondent vide sale notice dated 20.08.2010 by paying EMD (Earnest Money Deposit) and was declared as successful bidder in the said auction. Thereafter, the 4th respondent vide his letter dated 28.12.2010 informed the petitioner that the sale was confirmed in his favour and requested to pay the balance amount. While the petitioner was about to pay the balance amount, he came to know that the auctioned property has no clear title and it is the Government property. While so, the 4th respondent is insisting for

payment of balance sale consideration otherwise threatening the petitioner for forfeiting the EMD. In those circumstances, petitioner had submitted a representation dated 23.05.2014 requesting the respondents to refund the EMD and amounts deposited by him pursuant to the sale notice dated 20.08.2010. But so far, the respondents have not passed any orders on the said representation.

Therefore, learned counsel for the petitioner contends that appropriate orders be passed directing the respondents to consider the representation submitted by the petitioner on 23.05.2014 and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the 4th respondent to consider the representation submitted by the petitioner on 23.05.2014 and pass appropriate orders in accordance with law, within a reasonable period, preferably within a period of eight (08) weeks from the date of receipt of a copy of this order, if not already considered.

With the above direction, this writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 06-02-2020

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