APHC010203902025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3460]
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 10346/2025

Between:

1. HARIMANIKYAM, S/O ENCHOJI, AGE 58 YRS R/O D.NO.1-103, HARIZANAWADA WATER TANK P NAINAVARAM VILLAGE, VIJAYAWADA RURAL MANDAL, NTR DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF MUNICIPAL ADMINISTRATION A P SECRETARIAT AT AMARAVATHI VELAGAPUDI GUNTUR DISTRICT
2. THE MUNICIPAL CORPORATION VIJAYAWADA, REP BY ITS COMMISSIONER CANAL ROAD KRISHNALANKA VIJAYAWADA

...RESPONDENT(S)

Counsel for the Petitioner:

1. AISHWARYA NAGULA

Counsel for the Respondent(S):

1. GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following:

HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.10346 of 2025

ORDER:

1. The present Writ Petition is filed declaring the action of the Respondent No.2 in not allowing the Petitioner to conduct his business at Shop No.15 at Mahanti Market, Governorpet, Vijayawada, by calling for tender-cum-public auction notice *vide* R.C.N.3-103384/2025-I.No.86429, dated 03.04.2025, thereby depriving the Petitioner from his livelihood, as illegal and arbitrary.

2. The brief facts of the case are as follows:-

The Petitioner is eking out his livelihood by doing meat business at P.F.No.15, Mahanty Market for the past 16 years. Initially, P.F.No.15 was allotted to one Sujani Mulk Heroji and subsequently the Petitioner had taken the shop on sub-lease. After the death of the original allottee i.e. Sujani Mulk Heroji during Covid-19 Pandemic, the shop was continued by the Petitioner. It was also stated that in the year 2010, the shop was bifurcated into two shops i.e. Shop Nos.5 and 5-A respectively.

3. As there were disputes between the Petitioner and his partner, the shop was kept lock and key by the Respondent-Corporation. Questioning the same, the Petitioner filed W.P.No.6654 of 2025 before this Court and this Court on 20.03.2025 passed an interim order

directing the Respondent No.2-Corporation to permit the Petitioner to continue to do business in Platform No.15 in the said premises pending disposal of the Writ Petition. Further, the Respondent No.2-Corporation was granted liberty to proceed for auction, if any, as per law. Till such time, the Petitioner is entitled to continue his business in the said shops.

4. Pursuant thereto, the Respondent No.2-Corporation issued tender-cum-public auction notice *vide* R.C.N.3-103384/2025-I.No.86429, dated 03.04.2025 calling for tenders for Platform No.15 for a period of three years. The Petitioner participated in the said tender and subsequent to the auction process, the present Writ Petition is filed questioning the action of the Respondent-Corporation in issuing tender-cum-public notice.

5. Heard M/s. Aishwarya Nagula, learned counsel for the Petitioner and Sri A.S.C. Bose, learned Standing Counsel for the Respondent No.2-Corporation.

6. The learned counsel for the Petitioner submits that no prior notice was issued to the Petitioner and considering his longstanding possession over the property, the Petitioner should have been provided extension rather than cutting short his business, thereby depriving the Petitioner from his livelihood.

7. The learned Standing Counsel for the Respondent-Corporation submits that pursuant to the tender-cum-public auction notice for a period of 3 years, the Petitioner had participated in the auction and had quoted an amount of Rs.14,99,999/- in the sealed tenders after the open auction, whereas five other individuals had quoted higher amount than the Petitioner. It is stated that one Rayi Ashok Babu had quoted an amount of Rs.30,15,000/-, who was declared as highest bidder. The learned Standing Counsel submits that the Respondent-Corporation is entitled to derive maximum financial benefit from the said auction.

8. Having heard the respective counsel, this Court is firstly of the opinion that the Petitioner is estopped in challenging the tender-cum-auction process having participated in the tender-cum-auction notice, having made his bid and having failed in being declared as the highest bidder. Secondly, the highest bid amount is twice the amount quoted by the Petitioner as mentioned above and the Respondent-Corporation cannot be denied the additional finances. In that view, this Court does not find any reason to interdict the auction tender process.

9. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, pending applications, if any, shall stand closed.

NYAPATHY VIJAY, J

Date: 24.04.2025
IS

HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.10346 of 2025

Date: 24.04.2025

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