

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8217 OF 2015

ORDER:

The present writ petition is filed seeking a writ of Mandamus declaring the rejection orders passed by the first respondent in Memo No.7778/A1/2014 dated 12.02.2015 and consequential order of the 2nd respondent in ROC.No.622/2010/A1 dated 10.03.2015 as illegal and arbitrary.

Heard Sri K.Durga Prasad, learned counsel for the petitioners and the learned G.P.for Municipal Administration, appearing for the first respondent and Sri Nimmagadda Venkateswarlu, learned standing counsel for respondent Nos.2 and 3.

At the time of hearing, it is stated by the learned counsel for the petitioners that in similar circumstances, this Court disposed of writ petition No.23954 of 2009. But the learned standing counsel submits that since it is a case of cinema theatre and huge machinery was lying, this Court taken such a view. As such, that judgment may not be applicable to the facts of the case. This is also a shop for running a business and petitioners are being evicted for conducting fresh action. But as on today, no auction notice is issued, it is only notice for eviction under Section 194 of the Hyderabad Municipalities Act. As such, petitioners cannot have any grievance.

In view of the facts and circumstances of the case and also in view of the pleadings by both the parties, I feel that the writ petition may be disposed of in terms of earlier orders of this Court in W.P.No.23954 of 2009. The respondents can go ahead with conducting auction to the shops, which are occupied by the petitioners, without evicting the petitioners, since the petitioners are undertaking that they will vacate the shops as and when auction is conducted and finalized. In view of the same, as and when respondents 1

and 2 conduct auction, the petitioners can also participate in the said auction and if they emerge as highest bidders, they shall be entitled to continue as fresh lessees otherwise there shall be no obligation to vacate the premises as and when auction proceedings are finalized and the respondent-Corporation wants to put the property in possession of the successful bidders. Till the said exercise is completed, the petitioners shall continue as lessees on enhancing 33 1/3% over and above the existing rents. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

30.03.2015

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