

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23912 of 2015

Dated : 16.09.2015

Between:

K.Sudheer Kumar and sixteen others

.. Petitioners

And

The State of Andhra Pradesh,
R/by its Principal Secretary,
Municipal Administration & Urban
Development Department,
A.P. Secretariat,
Hyderabad and another.

.. Respondents

Counsel for the Petitioner : Sri S.M.Subhani

Counsel for the Respondent No.1 : G.P. for Municipality

Standing counsel for Respondent No.2 : Sri M.D.Saleem

This Court made the following :

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23912 of 2015

ORDER :

In this writ petition, petitioners challenged notices dt.09.07.2015 issued by the 2nd respondent informing the petitioners that as the lease period for the subject shops exceeded 25 years, the authorities have taken decision to conduct auction and therefore directed the petitioners to evict the shops. The petitioners challenged the said notice on various grounds.

2. Counsel for the petitioners represented that the persons to whom shops No.1, 2, 8 and 11, were originally allotted died and that the impugned notices were issued to dead persons.

3. When the matters are taken up, learned counsel for the petitioners as well as Sri Md.Saleem, learned Standing Counsel for the respondent-Municipality have agreed for the disposal of the writ petition following the orders passed by this court in W.P.No.8217 of 2015 dt.30.03.2015 and W.P.Nos.30741 of 2011 and batch dt.19.06.2015, except in so far as the petitioners 8, 9, 15 and 17 with reference to shop Nos.2, 8, 11 and 1 respectively,

4. Accordingly, the writ petition is disposed of as under:

- (a) In so far as the notice issued against shop Nos.1, 2, 8 and 11 are concerned they are set aside and the respondent-Municipality shall take steps afresh to cause notice on persons who are in occupation and to take further action.
- (b) With reference to other shops, the respondents can go ahead with conducting auction to the said shops, which are occupied by petitioners 1 to 7, 10 to 14 and 16 without evicting them, in view of the submission of the learned counsel for the petitioners that they shall vacate the shops as and when auction is conducted and finalized. The petitioners 1 to 7, 10 to 14 and 16 shall also file an undertaking to that effect before the respondents. In view of the same, as and when respondents 1 and 2 conduct auction, petitioners 1 to 7, 10 to 14 and 16 can also participate in the said auction and if they emerge as highest bidders, they shall be entitled to continue as fresh lessees. If they are not the highest bidders, it shall be the obligation of the petitioners to vacate the premises as and when auction proceedings are finalized and the respondent-Corporation wants to put the property in possession to the successful bidders. Till the said exercise is completed, the petitioners 1 to 7, 10 to 14 and 16 shall continue as lessees of their respective shops on payment of enhanced rent at the rate of 33 1/3 % over and above the existing rents. The petitioners 1 to 7, 10 to 14 and 16 shall also pay arrears, if any payable, immediately.

5. There shall be no order as to costs. Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

P.NAVEEN RAO, J

16th September, 2015.

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