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WRIT PETITION No.9911 of 2015

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ORDER:

This petition is filed for issuance of a writ of *Mandamus* declaring the action of the 2nd respondent in issuing eviction notice vide proceedings Roc.No.A1/8600/2014-15, dated 07.03.2015, before the expiry of lease period, as illegal, arbitrary and violative of principles of natural justice and consequently to direct the 2nd respondent to continue the lease period of the petitioner.

2. The case of the petitioner is that she is a successful bidder in respect of shop No.14, situated at Station Park, Municipal Shopping Complex, Warangal, in the auction conducted by the 2nd respondent-Warangal Municipal Corporation, on 09.05.2012 and the lease period is for three years, which commences from 20.05.2012 and that she is in possession of the same and paying monthly rent of Rs.32,500/-. While so, the 2nd respondent issued the impugned notice dated 07.03.2015 to vacate the shop stating that her lease period is going to be expired on 09.04.2015 instead of 19.05.2015. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner, learned Government Pleader for Municipal Administration, appearing for respondent No.1 and Smt.Lakshmi, learned Standing Counsel appearing for respondent No.2.

4. Learned counsel for the petitioner submits that as per the agreement, the lease is for a period of three years, which expires on 19.05.2015 but the impugned notice is issued before expiry of the lease period.

5. On the other hand, learned Standing Counsel for respondent No.2, on instructions, submits that lease deed contains a term to the effect that lease expires on 09.04.2015 and the petitioner has agreed for the same. She further submits that the Authorities will not take any action till 19.05.2015, since the lease is mentioned

as three years.

5. In view of the said submission made by the learned Standing Counsel for respondent No.2, the petitioner shall not be disturbed till 19.05.2015 and thereafter it is open for the respondents to take action in accordance with law.

6. With the above direction, this Writ Petition is disposed of. No costs. Miscellaneous petitions, pending if any, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 20-04-2015

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