

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.11556 of 2015

Date: 28-04-2015

Between:

Prateek Gupta

.. Petitioner

AND

The State of Telangana, represented by its

Principal Secretary, Municipal Administration

And Urban Development, Secretariat, Hyderabad

and 2 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.11556 of 2015

ORDER:

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This writ petition is filed for a mandamus declaring the auction notification issued by the 2nd respondent vide proceedings R.O.C.No.A/8600/2014-15, dated 09-04-2015 for conducting auction to Shop Nos.23 and 24 along with other shops, situated at Municipal Shopping Complex, Station Road, Near Head Post Office, Warangal by rejecting the application of the petitioner for renewal of the lease period even though the other lease holders were given renewal by following the guidelines issued in G.O.Ms.No.21, dated 18-01-2013 as illegal,

arbitrary and violative of principles of natural justice and to set aside the auction notification for the shops Nos.23 and 24.

2. The case of the petitioner is that the petitioner is the lessee of shop Nos.23 and 24 situated at Municipal Shopping Complex, Station Road, near Head Post Office, Warangal and his lease was extended from time to time, which is to be expired on 31-08-2014 and that before expiry of the said lease period, the petitioner made a representation to the 2nd respondent on 27-06-2014 seeking renewal of his lease period for further period of three years as per G.O.Ms.No.198, dated 08-05-2012 read with G.O.Ms.No.21, dated 18-01-2013. It is further stated that though in respect of other shops, the leases of other lessees were extended, but no decision was taken on the representation of the petitioner. It is further stated that the 2nd respondent, after rejecting the representation of the petitioner, issued a fresh auction notification on 09-04-2015 for conducting auction to various shops including the shop Nos.23 and 24 scheduled to be held on 22-04-2015. The action of the 2nd respondent in issuing the fresh auction notification for the shop Nos.23 and 24 for granting their leasehold rights is in violation of the guidelines issued in G.O.Ms.No.21, dated 18-01-2013 and principles of natural justice. Aggrieved by the same, the present writ petition is filed.

3. Heard Sri S. Surender Reddy, learned counsel for the petitioner and the learned Government Pleader for Municipal Administration.

4. Learned counsel for the petitioner submits that the petitioner is discriminated in extending his lease period like other shop members even though the petitioner is similar situated person among the others.

5. This Court on 21-04-2015 granted interim direction and also called for a report as to how many shops are existed in the complex and in respect of how many shops, the leases were renewed. Pursuant to the said direction, the learned standing counsel for the 2nd respondent Corporation produced a copy of the proceedings of the 2nd respondent in Roc.No.A1/ 8600/2015, dated 04-02-2015, wherein it is stated that in larger interest of devolution of finances of the Greater Warangal Municipal Corporation, it is decided to put the municipal shop rooms to public auction as and when the lease period of existing lessees

are over. It is also stated that in respect of Shop Nos.23 and 24, a public auction was conducted for the said shops, which is knocked down at Rs.1,10,000/- and Rs.16,000/- respectively as highest bid amounts for the said shops, whereas the previous rents for the said shops is Rs.9,300/- and Rs.5,300/- respectively. Though clause 8 of G.O.Ms.No.21, dated 18-01-2013 specified that the lease period should be fixed initially for five years, which can be renewed for three years @33 1/3% excess over the lease amount, and for another period of three years @ 33 1/3% excess over the lease amount, the same cannot be said to be as a matter of right to seek extension of lease and the same is within discretionary powers of the Corporation to extend the same. More so, in the report it is asserted that in respect of shop No.23, the bid amount was knocked down for Rs.1,10,000/-, whereas the previous rent for the said shop is Rs.9,300/-, and similarly, in respect of Shop No.24, the bid was knocked down at Rs.16,000/-, whereas the previous rent for the said shop is Rs.5,300/-. Therefore, it is suffice to say that the decision taken by the Municipal Corporation to conduct public auction in respect of the subject shops cannot be said to be illegal or arbitrary as conducting of public auction for granting leasehold rights is the best sources of fetching more revenue to the Government. Insofar as the issue of discrimination against the petitioner is concerned, the Municipal Committee has already extended the leases of other shops on 08-07-2014 vide its resolution and the same was given effect to and that was done on 08-07-2014. More so, when right decision was taken and merely on the ground that some decisions were taken in respect of some other shops, it cannot be a ground to invalidate right decision taken by the Corporation.

Having regard to above facts and circumstances and the proceedings of the 2nd respondent Corporation, I do not find any reason to entertain the writ petition, and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 28-04-2015

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