

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.24986 of 2015

Between :

B.V.Chalapathi Rao S/o.Veeranjaneyulu,
Aged about 39 yrs, Rubber Machine,
Shop No.10, Annadana Samaja Complex,
Amaravathi Road, Guntur, Guntur District.

.. Petitioner

and

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Endowments Department, Secretariat Buildings,
Secretariat, Hyderabad & others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 10.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.24986 of 2015

ORDER :

The petitioner is in occupation of Shop No.10, Annadana Samaja Complex, Guntur Town, belonging to the Gunturu Annadana Samajam (5th respondent). According to the petitioner, he has been paying rents as fixed by the 5th respondent and even small amounts of arrears which were due are cleared in July, 2015. Earlier the 4th respondent instituted O.A.No.02 of 2006 seeking eviction of the petitioner. The said O.A., was allowed by order dated 09.03.2010. Challenging the said O.A., W.P.No.10391 of 2010 was filed by the petitioner. By order dated 24.06.2015, this Court dismissed the writ petition confirming the order passed by the Tribunal to evict the petitioner. In this writ petition, the petitioner prays that he has submitted a representation on 06.07.2015 for extension of lease and the same is not yet disposed of, and until the representation is disposed of, he should not be evicted from the shop, which he is now holding.

2. As seen from the material filed along with writ petition, the petitioner was served with notice dated 15.07.2014 informing him that the premises in which the petitioner is in occupation is paying rent far less than prevailing in the market and till the disposal of the writ petition filed by the petitioner against the order of Tribunal, requested the petitioner to pay higher rental value as made applicable to other shops. Further a notice was issued on 26.03.2015, informing the petitioner that the premises in which the shop of the petitioner is located is in dilapidated condition and the 5th respondent has decided to construct a multi storied shopping complex by removing the old dilapidated structures and the petitioner was asked to vacate the premises. The petitioner did not challenge the said notice issued to him, in this writ petition.

3. Be that as it may, since the petitioner has already suffered an order of the Tribunal in O.A.No.02 of 2006, which has become final consequent to dismissal of the W.P.No.10391 of 2010 filed by him, the petitioner has no manner of right to continue in the existing premises nor seek for continuation of lease granted to him. As the respondents have already decided to conduct fresh auction, the question of conferring any lease to the

petitioner does not arise. Hence, I do not see any merit in the request of the petitioner for asking for extension of lease, therefore, the question of directing the respondent-authorities to dispose of the representation of the petitioner does not arise. Merely because the petitioner has cleared all the arrears payable cannot give him right or advantage to seek for continuation of lease, more particularly, as seen from the notice issued to the petitioner on 15.07.2014, the lease amount paid by the petitioner was far less than the lease amount collected from other shops. Thus, I do not see any merit in the writ petition,

4. Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to participate in the auction proposed to be conducted by the 5th respondent as and when such auctions are conducted. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

10th August, 2015.
Rds

P.NAVEEN RAO,J