

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.31301, 30101 & 30102 OF 2011

COMMON ORDER

Since the subject matter of these writ petitions is one and same, they are heard together and disposed of by this common order.

These writ petitions are filed for a *writ of mandamus* declaring the impugned proceeding No.A1/2530/2010-11 dated 10.06.2011, as illegal and arbitrary.

The case of the petitioners is that they are the lessees of the respondent-Corporation. While so, the respondent issued proceedings dated 10.06.2011, wherein the existing rent which the petitioners have been paying i.e., Rs.3604/- per month was increased by 33 1/3 % i.e., 4,805/- per month upto 31.03.2007 and Rs.6,408/- upto 31.03.2010 and Rs.8,543/- upto 31.03.2013. Aggrieved by the action of the respondent in enhancing the rents retrospectively, the present writ petition is filed.

Learned counsel for the petitioners submits that basing on the Standing Committee Resolution dated 22.03.2001, the impugned proceedings were issued and that no prior notice was issued to the petitioner before passing the impugned order.

Sri V.Satyam Reddy, learned Standing counsel for respondent submits that though the lease period of the petitioners was expired by 31.03.2011, petitioners were continued.

No doubt the respondent by way of resolution cannot enhance the rents retrospectively, if the lease is expired. But it can enhance the rents prospectively from 10.06.2011. Since it is stated that lease period of the petitioners is expired, it is open for the respondent Corporation to conduct fresh auction. The petitioners are liable to pay enhanced rents from 10.06.2011 prospectively. Till the fresh auction is conducted by the respondent, the petitioners can be continued on payment of arrears prospectively from 10.06.2011 and also future rents at enhanced rents @ 33 1/3% on the existing rents. However, as and

when the auction takes place, petitioners can participate in the same, if they are eligible. If the petitioners emerge as successful bidders, they shall be continued on fresh terms and on payment of arrears on the enhanced rents from 10.06.2011 otherwise, they shall hand over the possession to the respondent corporation for handing over the same to successful bidder. The petitioner shall file undertaking to that effect.

With the above direction, these writ petitions are disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER

REDDY,J

Date: 30.06.2015

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