

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.31591 of 2015

ORDER:

Heard the learned counsel for petitioner and the learned Standing Counsel for respondents.

2. The case of the petitioner is that the second respondent, by proceedings No.02/437(41)/2009-RM/S dated 16.06.2009, issued license to the petitioner to use an area of Acs.3-06 cents of land for running any of the two businesses of building material, school, nursery and vehicle water servicing. The period of license was six years. The said period expired on 15.06.2015. The petitioner submitted a representation dated 10.09.2015 seeking extension of the said period and the same was negatived on 15.09.2015, asking the petitioner to vacate the site after completion of the extended license period on 30.09.2015. The petitioner has been continuing in the said area subject to the terms and conditions in the license granted on 16.06.2009. It provides for enhancement of license fee at 10%, 15% and 15% over the license fee payable by the 3rd, 4th and 5th years respectively excluding electricity, water, etc. The petitioner paid six months license fee and one month advance license fee which amounted to Rs.45,000/-. As on today, the petitioner has been paying the monthly rent of Rs.12,000/-.

3. Though the present Writ Petition is filed challenging the eviction of the petitioner, the learned counsel for the

petitioner fairly submitted that the petitioner would vacate the premises, if the land which is given to the petitioner, is put for bona fide use by the respondents either by themselves or by any third party, who is inducted through due process of law. The petitioner also undertakes to pay the current license fee of Rs.12,000/- and agrees to enhance the same by 15% after expiry of one year, if the land is not put to use by the respondents or by inducting any third party.

4. In the circumstances, the respondents shall continue the possession of the petitioner till they put the land to better use either for the purpose of Corporation or by inducing any third party through due process of law. The petitioner shall not be entitled to continuance in the land in the event of the respondents intimating the petitioner that they want to utilize the land for their own purpose or for entrusting it to a third party through public auction or otherwise. It is needless to observe that the petitioner is entitled to participate in the public auction in the event of the respondents giving the land to lease to third parties.

5. Subject to the above observations, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 12.10.2015

TJMR