

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

WRIT PETITION NO.21923 of 2015

Between:

Konduboina Srinivasulu S/o. Rosaiah, Aged about 41 years,
R/o. Ankamma Temple Street, Pamur, Prakasam Dist.

.. Petitioner

AND

State of A.P., rep.by its Principal Secretary,
Panchayat Raj Department, Secretariat,
Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 17.07.2015

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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 may : Yes / No
Be allowed to see the Judgments ? :
 2. Whether the copies of judgment may be marked : Yes / No
To Law Reporters/Journals :
 3. Whether Their Lordship wish to see the fair : Yes / No
Copy of the Judgment ? :

**HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION No.21923 of 2015**

ORDER:

In the auction conducted in August, 2012, petitioner was successful bidder for carrying out fishing operations in Parmur tank for a period of three years. Lease so granted to the petitioner in the year 2012 expires now. Since the lease period would be completed, fresh notification was issued on 27.06.2015 to conduct auction to award leasehold rights for fishing operations. Challenging the same, this writ petition is instituted.

2. Counsel for petitioner contends that since prevailing of drought conditions there was no water in the tank and petitioner could not carry on fishing operations properly and incurred heavy loss. The factum of drought conditions and incurring of loss were also noticed by the competent authority. Having regard to the drought conditions and loss caused to the petitioner, a representation was submitted for renewal of lease at least for one more year. Counsel for the petitioner contends that without considering the said representation for renewal of lease, fresh lease notification ought not to have been issued.

3. As seen from the record, lease was granted to the petitioner in the year 2012 for a period of three years and the lease period now comes to an end and, therefore, it is permissible for the respondents to go for fresh auction to award leasehold rights for further period. Merely because a person was successful in obtaining leasehold rights in the earlier auction, no right is vested him to ask further renewal of lease. Granting of lease is not dependent on the earning of profits or sustaining of loss during the lease period. When fishing operations depend on natural calamities, the leaseholder is conscious of such natural calamities and takes a risk. He cannot expect authorities to grant lease for one more term on the ground that he sustained loss or profit as granting of lease or renewal of lease is not contingent upon loss or profit. Since the lease granted to the petitioner was only for three years and lease period has come to an end, he cannot claim to continue or ask for renewal of lease. I, therefore, see no error in issuing lease notification for conducting of open auction to grant leasehold rights on the subject tank.

4. Accordingly, the writ petition is dismissed. There shall be no order as to costs. Miscellaneous petitions if any pending in the writ petition shall stand closed.

Date : 17.07.2015
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JUSTICE P.NAVEEN RAO

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.21923 of 2015

Date:17.07.2015

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