

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.34709 of 2015

Date:02.11.2015

Between:

A.Mohammed Khan,

S/o A.Mastan Khan

..... Petitioner

And:

The State of A.P., repled by its

Principal Secretary, Municipal

Administration Department,

Hyderabad and two others.

.....Respondents

Counsel for the Petitioner: Ms. Rachna S.Waddepalli

Counsel for Respondent Nos.1 & 2: GP for Municipal Administration

Counsel for Respondent No.3: Mr. Md.Saleem

(Print the name of Mr. Md.Saleem,

subject to his filing memo of appearance

within one week from today.)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the inaction of the respondents in allotting a shop room to the petitioner out of the newly constructed shop rooms at Kamatam Street, Gooty Post, Anantapur District, Andhra Pradesh, as illegal and arbitrary.

The petitioner claims that he was in occupation of a shop room constructed by respondent No.3 bearing No.3-301, Kamatam Street, Gooty Post, Anantapur District, for a long time; that on 06.7.2015, the officials of respondent No.3 high handedly entered his shop and threatened to demolish the same; that assailing the said action, he filed Writ Petition No.21479 of 2015; that this Court by order, dated 04.8.2015, disposed of the said Writ Petition on the instructions reported by the learned Standing Counsel that a notice before demolition was issued to the petitioner while declining to interfere with the action of respondent No.3 impugned in the said Writ Petition.

The grievance of the petitioner in the present Writ Petition is that though he has made a representation on 25.8.2015 for allotting one of the newly constructed shop rooms to him, respondent No.3 has not been considering the same.

This Court on 26.10.2015 has adjourned the case to enable the learned Standing Counsel to get instructions.

Today, at the hearing, Mr. Md.Saleem, learned Standing Counsel for respondent No.3, on instructions, submitted that new shop rooms are yet to be constructed and that the petitioner has not made any representation, as claimed by him, for allotment of a newly constructed shop room to him.

Ordinarily, leases of public properties have to be granted through public auction. No person can claim vested right for allotment of shop room otherwise than through public auction.

As per the instructions reported by the learned Standing Counsel, so far, no new shop rooms have been constructed,

besides the petitioner not making any representation, as averred by him in the Writ Petition.

In the above facts and circumstances of the case, I do not find any merit in the Writ Petition warranting issue of a *Mandamus* as claimed in the Writ Petition

.

The Writ Petition is, accordingly, dismissed. However, it is made clear that as and when new shop rooms are constructed, the petitioner is entitled to participate in the public auction along with others.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.44594 of 2015 shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

02nd November, 2015

DR