

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.38950 of 2015

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01.12.2015

Between:

T.Dhanunjaya

.. Petitioner

and

The State of Andhra Pradesh,

represented by its Secretary,

Municipal Administration and Urban Development Department,

Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.K.Durga Prasad

Counsel for respondent No.1: Government Pleader

for Municipal Administration and Urban Development (AP)

Counsel for respondent Nos.2 and 3: Mr.S.Laxminarayana Reddy,

standing counsel for the Greater Visakhapatnam Municipal Corporation (GVMC)

The Court made the following:

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Corporations. Rule 12 thereof was amended by G.O.Ms.No.56, Municipal Administration and Urban Development (J-1) Department, dated 05.02.2011. The relevant amended provision provides for enhancement of rent at 33 1/3% above the earlier rent or the prevailing rent of such properties in the vicinities, whichever is higher. From the above provision, it is evident that the earlier ceiling of 33 1/3% placed on the enhancement has been done away with and a fair amount of discretion is vested in the Municipalities/Municipal Corporations to fix rent based on the prevailing rent of similar properties. If such rent exceeds 33 1/3%, the Corporation is entitled to fix such higher rent. Therefore, the whole premise on which the petitioner filed this writ petition has turned out to be wrong.

At the hearing, Mr.S.Laxminaryana Reddy, learned standing counsel for respondent Nos.2 and 3, submitted that commercial importance of the area in which the shop in question is situated has grown considerably and that in view of the high demand for the shops in that area, respondent Nos.2 and 3 have properly assessed the market rate and fixed the enhanced rent.

In the light of the above discussion, I do not find any illegality in the action of respondent Nos.2 and 3 in fixing the rent at Rs.7,104/- for the period from 10.05.2013 to 09.05.2016.

The Writ Petition is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.50198 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

01st December, 2015

GHN

