

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8787 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 5th respondent in issuing the tender notification dated 25.03.2015 for conducting auction in the Cumbum Vegetable Market Rooms on 30.03.2015 without considering the representations submitted by the petitioner Association dated 08.01.2015 for continuing the petitioner members in their existing shops as per the rents fixed by the respondents as illegal and violative of principles of natural justice and to set aside the same by directing the respondents to continue the lease agreement on enhanced rate to the existing room holders in the market without any interruption.

The case of the petitioner-Kuragayala Market Seva Sangam is that it is a lessee of Grampanchayat and its lease period exists from 01.04.2013 to 31.03.2015 and that it has made a representation dated 08.01.2014 for extension of lease. Without considering the same, the respondents-Authorities have issued tender notification dated 25.03.2015 for auction of shops occupied by the petitioner. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner, learned Government Pleader for Panchayat Raj for respondents 1 to 4 and Sri G.Seshadar, learned counsel for the 5th respondent.

The learned Government Pleader for Panchayat Raj submits that earlier the petitioner has filed W.P.No.2062 of 2015, seeking direction for extension of lease period by enhancing rents and no interim order was granted therein.

In this case, the petitioner has not brought to my notice any rule or provision under which the Authorities can extend the lease. In the absence of the same, it cannot be said that the petitioner-Seva Sangham is entitled for extension of lease. The petitioner-Seva Sangham can participate in the auction if eligible and if it is willing to continue and if it becomes unsuccessful bidder, it

has to vacate the premises and handover the possession to the 5th respondent-Grampanchayat to handover the same to the successful bidders. If petitioner succeeds, petitioner can be continued on fresh terms as per auction notice.

With the above directions and observations, the writ petition is disposed of. The petitioner shall continue till the auction proceedings are finalised. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

01.04.2015

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