

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.24269 of 2008

ORDER:

The Writ Petition is filed questioning the proceedings, dated 13.10.2008 issued by the second respondent society.

In the affidavit filed in support of the Writ Petition, petitioner has stated that her husband, namely, Mr. Kancherla Jayananda Rao, was allotted shop No.3 in S.C. Shopping Complex, Station Road, Narsaraopet, Guntur District, and was running a garments shop in the name and style of 'Chandamama Garments Shop' since 1992 and was paying rents regularly. Her husband died on 03.04.2006. Due to sudden demise of her husband, she continued the garments business in the shop by changing the name of the shop as 'Style Garments' and she has been paying the rents regularly. She has further stated that she was issued a show cause notice on 27.08.2007 alleging that she has sub-let the shop to Mr. Ramakrishna Reddy. She has submitted her explanation on 24.09.2007 denying the said allegation and stating that the said Ramakrishna Reddy is a family friend and the shop has not been sub-let to anybody and the said Ramakrishna Reddy has a marginal share in the business. She has also stated that without considering the explanation submitted by her in proper prospective, the impugned

proceedings, dated 13.10.2008 were issued cancelling the allotment made in favour of her late husband. Hence, the Writ Petition.

In the counter-affidavit filed by respondents 1 and 2, it is stated that on enquiry, it has been revealed that the petitioner is a retired Government employee from the Leprosy Department and that on the demise of original allottee, the petitioner has handed over the shop to her brother-in-law, by name, Janardhana Rao, who in turn has sub-let the same to Sri G.Ramakrishna Reddy of Narsaraopet and the said Ramakrishna Reddy himself had agreed that he had paid Rs.25,000/- as advance to the said Janardhana Rao, brother-in-law of the petitioner. Hence, there is no arbitrariness in cancelling the allotment of shop as the petitioner is not eligible and had violated the terms of allotment.

The third respondent was impleaded by this Court vide order, dated 09.03.2011 passed in WPMP.No.3449 of 2011.

In the counter-affidavit filed by the third respondent, he has asserted that after cancellation of allotment made in favour of late Jayananda Rao, the said shop was allotted in his favour and accordingly, proposals were sent to the Government and at that stage, the petitioner had approached the Court and obtained interim order. He has also stated that the petitioner is a retired Government

employee and her children are settled in USA and that as per the terms, she is not eligible for allotment of the shop.

Heard learned counsel for the petitioner and perused the record.

The matter came up before this Court on 05.11.2008, on which date, interim stay for a period of two weeks was granted. The record does not disclose that the said order has been extended further, though the matter was listed on several occasions thereafter. However, while dealing with WVMP.No.1132 of 2011 filed by the third respondent seeking to vacate the aforesaid interim order, this Court held that no further orders are required to be passed therein as the interim order granted on 05.11.2008 came to be vacated by efflux of time.

No reply affidavit has been filed by the petitioner denying the averments mentioned in the counter-affidavits of either respondent Nos.1 and 2 or respondent No.3.

Under those circumstances and inasmuch as there is a finding that the petitioner has violated the terms of allotment, the relief as prayed for by the petitioner cannot be granted by this Court in exercise of its supervisory jurisdiction under Article 226 of the Constitution of India as there being no infirmity in the impugned proceedings issued by the second respondent society.

The Writ Petition is accordingly dismissed.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

30th DECEMBER, 2015.

kvni