

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No. 999 OF 2015

26-11-2015

Between:
P.T. Naidu

... Petitioner

And

The State of Andhra Pradesh, rep., by its Secretary, Municipal
Administratioin & Urban Development Department, A.P Secretariat
Buildings, Hyderabad and others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-
WRIT APPEAL No. 999 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

This writ appeal is directed against the order dated 07-10-2015 passed in Writ Petition No.32498 of 2015, whereby the appellant's petition has been dismissed leaving it open to him to workout his remedies as available in civil law.

The writ petition was filed challenging the proceedings/notice dated 22-09-2015, whereby the appellant was directed to vacate the leasehold premises within seven days. Admittedly, the appellant was granted lease by the respondent – Corporation for a period of three years starting from 01-09-2012 and it was valid till 31-08-2015. The respondent - Corporation, therefore, issued the impugned proceedings/notice asking him to vacate the premises in dispute. The Corporation has also stated in the notice that the lease property is meant for public purpose/municipal park and directed him to handover site to the Corporation and also to pay an amount of Rs.4,31,876 towards lease rental dues.

Sri Durga Prasad, learned counsel for the appellant submits that though the appellant does not have any right to continue in possession, it would not be appropriate on the part of the respondent – Corporation to pick and choose and take action as initiated against the appellant. He submits that there is absolutely nothing on record to show that the respondent – Corporation is trying to develop the

property where the appellant's premises is situated, as park. He, therefore, submits that the appellant may be allowed to continue in possession of the property till respondent – Corporation's plan to develop the property into park is materialised.

We are not inclined to show any indulgence to the appellant in view of the fact that his lease period got over on 31-08-2015 and that he has no right whatsoever to remain in possession of the property belonging to the respondent – Corporation. That apart, learned Judge while dealing with the same contention in paragraph 5 of the order observed thus:

“Whether the respondent Municipal Corporation utilizes the subject place for development of a part or for any other public purpose is not a matter for consideration in a case arising out of lease agreement. Admittedly, the land belongs to the respondent Municipal Corporation and it is for the respondent Municipal Corporation to utilize the land as it deems fit. The important consideration in utilization of public premises is for public purposes and in larger public interest. Thus, as long as the respondent Municipal Corporation utilizes the space for public purpose, in what manner it is to be utilized is for the respondent Municipal Corporation and the Court cannot mandate the utilization of the land in a particular manner nor can issue *mandamus* directing renewal of lease contrary to the intention of the respondent Municipal Corporation. I see no merit in the writ petition.”

In the circumstances, we find no merit in the appeal. Writ appeal is dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

26-11-2015
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