

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9265 OF 2015

ORDER:

This writ petition is filed seeking *Writ of Mandamus* directing the respondents to consider the request of the petitioner for renewal of lease on enhanced rent of the shop bearing No.A-31 situated at Somappa Circle, Yemmiganur and by allowing her to continue in her shop and for a consequential direction to set aside the cancellation proceedings of lease period vide proceedings No.ROC.No.268/2000/A1 dated 10.03.2015.

The case of the petitioner is that she has been granted lease in respect of Shop bearing No.A-31 situated at Somappa Circle, Yemmiganur on a monthly rental basis by virtue of resolution dated 31.03.2006 by the 2nd respondent from 01.04.2006 to 31.03.2009. Thereafter, the petitioner's lease was extended for every three years on enhanced rent @ 33 1/3% on the earlier rent till 31.03.2015. While so, though the petitioner gave her consent for extension of lease period on enhanced rent of earlier rent, the 2nd respondent issued proceedings dated 10.03.2015 stating that they have decided to cancel the lease period in respect of Shop bearing No.A-31 and to go for a public auction. Aggrieved by the action of the 2nd respondent in issuing the proceedings dated 10.03.2015, without following due procedure of law, the present writ petition is filed.

Learned counsel for the petitioner submits that the respondents have issued proceedings dated 10.03.2015, canceling lease of the petitioner, without following the due procedure envisaged under Section 194 of Andhra Pradesh Municipalities Act, 1965 (for short 'the Act').

Sri Md.Saleem, the learned Standing counsel for the 2nd respondent-Municipality submits that the respondents would follow the due procedure of law envisaged under Section 194 of the Act, while taking action against the petitioner.

In view of the aforesaid submission, the respondents 2 and 3 shall not evict the petitioner without following due procedure contemplated under the Act.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions, pending, if any shall stand closed.

A.RAJASHEKER REDDY, J

13.04.2015

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