

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.9400 of 2012

Date: 08-06-2015

Between:

Golusu Appa Rao

.. Petitioner

And:

The Government of Andhra Pradesh, represented
by its Principal Secretary, Municipal Administration
Secretariat, Hyderabad and 2 others

..... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.9400 of 2012

ORDER:

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This writ petition is filed for a mandamus declaring the notice bearing R.C.No.378/2009-B1, dated 31-03-2012 issued by the 2nd respondent rejecting the request of the petitioner for renewal of the leasehold rights in respect of land admeasuring 36 square yards bearing Shop No.38/1, Park Shopping Complex, Narsipatnam Municipality, Narsipatnam, Visakhapatnam District without assigning any cogent reasons as illegal and arbitrary.

2. The case of the petitioner is that the petitioner was granted leasehold rights in respect of open site admeasuring 36 square yards adjacent to Shopping Complex at Abid Centre, Narsipatnam, Visakhapatnam District in the year 1989 on his request on monthly lease amount and as the petitioner intended to construct a shop over

the said extent at his own cost, he obtained permission from the authorities of the Gram Panchayat, and made construction of a tea and oil agency shop in the name and style of Sri Venkateswara Tea and Oil under valid licence issued by the concerned authorities and the petitioner is having electricity connection and has been paying the lease amount to the authorities. It is stated that the lease is renewed from time to time and is valid till 31-03-2012. Narsipatnam Gram Panchayat is converted into Narsipatnam Municipality in the year 2012. As the said lease is likely to expire by 31-03-2012, the petitioner made an application on 29-02-2012 to the 2nd respondent for renewal of said lease and the 2nd respondent authority neither passed any orders on his application nor renewed the leasehold rights, as such, the petitioner filed W.P.No.9014 of 2012 and the same was disposed of directing the respondents therein to dispose of the representation of the petitioner. After receipt of the order dated 30-03-2012 in W.P.No.9014 of 2012, the 2nd respondent issued impugned proceedings in Rc.No.378/2009-B1, dated 31-03-2012 rejecting the request of the petitioner for renewal of lease and directing to handover the possession. Aggrieved by the said impugned proceedings, the present writ petition has been filed.

3. The 2nd respondent filed its counter admitting leasing of the area in favour of the petitioner and stated *inter alia* that as the petitioner is not entitled for extension of lease, his request for renewal of lease for further period has been rejected and that the petitioner has no right to seek extension of lease.

4. It is to be seen that the petitioner was granted lease in respect of 36 square yards on monthly and admittedly the said lease expired on 31-03-2012 and when the petitioner made an application for renewal of said lease, the same was rejected and no rule or regulation has been placed by the petitioner prescribing for renewal

of lease and the petitioner has not shown any accrued right for extension of lease. Even the proceedings in Lr.No.378/2009/C, dated 12-08-2009 whereby the petitioner was granted lease for a period of three years from 01-04-2009 to 31-02-2012 itself indicate that as and when the Gram Panchayat requires the said land, the petitioner shall handover the same without any objection and the respondent authorities have rightly rejected the application for renewal of lease and no exception has been taken. Since the lease of the said land expired by 31-03-2012 and in the absence of any accrued right on the petitioner, no relief can be granted in favour of the petitioner for extending the lease, and thus the writ petition is devoid of merit and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 15-06-2015

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