

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9083 OF 2015

ORDER:

The case of the petitioners is that all the petitioners are tenants of 5th respondent Gram Panchayat from the year 1995 and in case of 7th petitioner from 2002 onwards and they were paying rents regularly and the rents were also enhanced vide proceedings dated 15.10.2014. But, all of a sudden, the impugned notices were issued for conducting auctions in respect of the shops, which are occupied by the petitioners as tenants. Aggrieved by the same, the present writ petition is filed.

Heard Sri Sujith Jaiswal, learned counsel for the petitioners, learned G.P.for Panchayat Raj, for R1 to R4 and Sri P.Raghavender Reddy, learned counsel for respondents 5 and 6 and perused the material on record.

Learned counsel for the petitioners submits that the petitioners are paying enhanced rents from 15.10.2014, and in the said proceedings it is specifically mentioned that the rents will be enhanced for every five years by 20%. But, contrary to the same, the present notice was issued on 26.03.2015 holding auction for grant of leasehold rights on 04.04.2015. It is also submitted that the same is illegal.

On the other hand, Sri P.Raghavender Reddy, learned counsel appearing for 5th respondent submits that the Gram Panchayat has power to grant lease not more than one year as per G.O.Ms.No.496 dated 11.06.2006 and that the District Panchayat Officer vide memo dated 13.03.2015 directed all Gram Panchayats to go for auction in respect of grant of leasehold rights to all panchayats. In pursuance of the same, Gram Panchayat issued the notice on 26.03.2015. Even after receipt of the representation of the petitioners, the auction notice dated 26.03.2015 was issued.

In the entire affidavit, it is not stated that the petitioners are having lease beyond 31.03.2015 and since it is also stated by the learned standing counsel that the Gram Panchayat has no power to grant lease more than one year and in pursuance of the directions of the District Panchayat Officer dated 13.03.2015, a resolution was passed on 26.03.2015 for conducting auction for grant of leasehold rights.

No rule or provision of law is brought to the notice of this Court that the petitioners are entitled for extension of lease beyond 31.03.2015. Leases in favour of petitioners expired. In view of the same, I do not see any illegality in conducting fresh auction. However, as the petitioners are continuing as tenants, they can also participate in the auction to be held on 04.04.2015 if eligible and in case they emerge as successful bidders in the auction, they will be continued as per the terms and conditions of the fresh auction proceedings. Otherwise, they have to vacate the same, for handing over the same to the successful bidders undertaking to that effect shall be filed by the petitioners. It is also made clear that the petitioners shall be continued on payment of enhanced rents till the auction is conducted and finalised. However, if any refundable security deposit made by the petitioners is lying with the Gram Panchayat, the same shall be refunded to the petitioners if they do not succeed in the auction as successful bidders.

With the above direction, the writ petition is disposed of. 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

02.04.2015

Note:

Issue C.C.by tomorrow.

B/o. Rns

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Rns