

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10624 OF 2015

ORDER :

This writ petition is filed seeking writ of mandamus declaring the order of the 3rd respondent vide Memo No.1097/2015 A1 (Pan), dated 04.03.2015 as illegal and arbitrary and consequently to direct the respondents 3, 4 and 5 to continue the petitioners as tenants of their respective shops in the shopping complex of the 5th respondent Grampanchayath on increase of rent at Rs.50/- per month per shop until the Grampanchayath repairs the shops as had been decided in its resolution No.90, dated 07.01.2015.

2. It is the case of the petitioners that they are tenants of 5th respondent Grampanchayath ever since the year of their construction in 1994 and that the petitioners are doing petty businesses. It is stated that as the Grampanchayath reluctant to repair the shops, petitioners have repaired said shops by investing huge funds and same were brought to the notice of the 5th respondent Grampanchayath. The 5th respondent Grampanchayath passed a resolution dated No.90, dated 07.01.2015 for extending the leases and when the same was sent for approval to the 3rd respondent-District Panchayath Officer, who in turn directed to allot the leases of shops of all shopping complexes in the District through public auction only and issued the impugned memo dated 04.03.2015 directing the 5th respondent Grampanchayath to conduct public auction of the shops in the shopping complex consisting of 12 shops situated in the Grampanchayath area of Prathipadu. Aggrieved by the same, the present writ petition is filed.

Heard Sri T.Durga Prasada Rao, learned counsel for the petitioners as well as Sri Ravi Cheemalapati, learned Standing Counsel for 5th respondent.

Learned counsel for petitioners submit that since Grampanchayath has passed resolution for extension of leases, then the 3rd respondent-District Panchayath Officer cannot direct the Secretary of Grampanchayath-5th

respondent to conduct public auction of the subject shops for leasing out the leasehold rights of the shops occupied by the petitioners.

On the other hand, Sri Ravi Cheemalapati, learned Standing Counsel for 5th respondent submits that since petitioners are paying meagre rents and basing on the directions of the 3rd respondent, impugned proceedings have been issued and they are in consonance with the law laid down by the Apex Court and also Rules.

It is not the case of the petitioners that the leases are existing in their favour and it is also not brought to the notice of this Court they are entitled for extension of lease for eternity. It is also not stated under what power, they sought for extension of leases by the Grampanchayath. Moreover, so called resolution was sent to the Authorities and the District Panchayath Officer, refused to approve the same and directed to conduct public auction for the subject shops. In view of the above, if the petitioners are interested to continue in their respective shops, they can also participate in the public auction and if they emerge as successful bidders, then they can be continued on such fresh terms and conditions. If petitioners do not emerge as successful bidders, they have to vacate the premises and hand over to the 5th respondent Grampanchayath for handing over the same to the successful bidders.

Since no provision is brought to my notice stating that Grampanchayath can extend the leases of petitioners for eternity, without approval from the higher authorities, the writ petition is misconceived. However, the petitioners shall be continued on giving an undertaking that they will vacate the premises, if they do not emerge as successful bidders in the auction that is going to be conducted. Till such auction is conducted and finalized, petitioners shall continue in the subject premises on payment of existing rents.

With the above direction, this writ petition is disposed of. There shall be 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

15.04.2015

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Date: 15.04.2015

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