

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**THURSDAY, THE TWENTY NINTH DAY OF OCTOBER TWO THOUSAND
AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.35496 of 2015

Between:

Shaik Zakir Hussain, S/o. Dasthagir,
Aged about 43 years, R/o. D.No.7-200,
Nadigada, Nandyal, Kurnool District.

.. Petitioner

AND

The State of A.P.,
Rep. by its Prl. Secretary,
Municipal Administration Department,
Secretariat, Hyderabad & another

.. Respondents

The Court made the following:

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ORDER:

The petitioner is a lessee of Shop bearing No.19 of Old Municipal Office Complex and Shop No.5 at Daily Vegetable Market, situated at Nandyal, Kurnool District. It appears that the lease was granted to the petitioner 25 years back and having regard to the fact that the leases were granted to the petitioner long time ago, the petitioner was directed to vacate the premises to enable the respondent Municipality to conduct fresh auctions and to grant fresh leasehold rights. The petitioner challenges the notice issued on 09.07.2015 directing the petitioner to vacate the Shop No.19 in Old Municipal Office Complex.

2. Learned counsel for the petitioner contends that what is stated in the notice is not correct. The petitioner has not completed 25 years of lease period as alleged. The lease was granted to the petitioner in the year 2003-04 respectively granting lease after participating in the open auctions by way of

sealed tenders and, therefore, the allegation made in the notice is not valid. Learned counsel, therefore, contends that directing the petitioner to vacate the premises and to conduct fresh auction is illegal.

3. Learned Standing Counsel, on instructions, submits that the auction notification was issued and auctions are held today insofar as Shop No.5 is concerned. Already auction proceedings are finalized and a new person is identified as a leaseholder and insofar as Shop No.19 is concerned, auction proceedings are in progress. Learned Standing Counsel further states that the auction notification was not under challenge and that no explanation is filed by the petitioner to the notice issued on 09.07.2015.

4. The notice issued on 09.07.2015 is only concerning Shop No.19 and similar notice was issued to the petitioner in May 2012 insofar as Shop No.5 is concerned. The notice clearly alleges that the lease period expired on 31.12.2011 and the lease was not extended and the petitioner has completed 25 years of occupation and directed to vacate. It is not stated why no further steps are taken.

5. As facts on record would disclose that the petitioner is a lessee and was granted lease for a period of three years renewed from time to time by charging renewal lease amount at the rate of 33 1/3%. Now the respondent Municipality has decided to conduct a fresh auction to grant leasehold rights. It is well settled principle of law that the Municipal properties are public properties and the revenue generated through conducting of auctions for grant of lease to its properties is a major source of revenue for the Municipality that is required for various developmental activities within the Municipal limits. Thus, if the respondent Municipality intend to conduct fresh auction to grant fresh leasehold rights, no interference is called for. Admittedly, the petitioner's lease period is over and even if the petitioner's contention that he has not completed 25 years is valid, still the petitioner has no manner of right to contend that he should be continued to occupy the leased premises on his terms without conducting public auction. Be that as it may, notice of eviction was issued insofar as Shop

No.5 is concerned in May, 2012 and insofar as Shop No.19 is concerned on 09.07.2015. The petitioner challenges said notice, dated 09.07.2015, only at this stage. In the meantime auction notification is already issued and auctions have been conducted. The auction notification is not under challenge. Therefore, no relief as sought for by the petitioner can be granted at this stage. The writ petition requires no consideration.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 29th October, 2015

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