

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No. 39408 of 2015

ORDER :

Heard learned counsel for petitioner, learned Government Pleader for Agriculture appearing for respondents 1 to 3, and Smt. G. Neeraja Reddy, counsel for 4th respondent.

2. Although the petitioner had questioned the action of 4th respondent in issuing notification dt.29.11.2015 for conduct of auction of the above shop, I am of the opinion that the petitioner has not been able to make out any grounds for setting it aside. However, there is truth in the allegation of the petitioner that he was not delivered possession of subject shop No.19 by the 4th respondent, since the Standing Counsel for the 4th respondent has not been able to produce any document evidencing delivery of possession of the said shop to the petitioner, after the petitioner became a highest bidder in the open auction for lease of the shop held in the year 2014.

3. The Lease Deed produced by the standing counsel for the 4th respondent is dt.01.12.2014, but it does not contain the signature of the petitioner. Therefore, the recitals therein cannot be said to be binding on the petitioner.

4. So, the 4th respondent, even without delivering possession of the subject shop to the petitioner, is not entitled to demand Rs.1,02,800/- as rents from the petitioner for the period from 01.03.2015 to 31.10.2015.

5. In this view of the matter, the respondents are directed to refund the security deposit of Rs.1,00,000/- and Rs.38,550/- towards three months advance rent to the petitioner with interest at 9% p.a. from the date of such deposit, within four (4) weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed.

JUSTICE M.S.RAMACHANDRA RAO

9th December, 2015
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