

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos. 9184, 9185, 9187, 9188 &

9190 OF 2012

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COMMON ORDER:

These writ petitions are filed challenging the auction notification dated 21.03.2012, issued by the 4th respondent for conducting auction on 26.03.2012, in respect of shops situated at shopping complex of Kuppam Gramapanchayat and Ashoka Hotel Kuppam, Chittoor district, as illegal and arbitrary and for a consequential direction to set aside the same while directing the respondents to seek for enhancement of rent by 5% or 10% over the existing rents.

The case of the petitioners is that they are the successful bidders in pursuance to the auction held on 29.03.2011 and were also allotted various shops in the shopping complex situated in front of Grama Panchayat Office, Kuppam and also paying the rents regularly. While so, the respondents issued impugned notification dated 29.02.2012, in ROC.No.19/2012 informing the auction date as 06.03.2012 and subsequently the said auction was postponed and re-notification for public auction was issued on 09.03.2012 proposing to conduct auction on 16.03.2012. Aggrieved by the same the petitioners filed WP.Nos.7488, 7442, 7490, 7491 and 7457 of 2012 seeking stay of auction.

The grievance of the petitioners is that the respondents instead of increasing the rent @ 5% or 10% p.a. over the existing rents, issued the impugned tender notification.

The 4th respondent filed counter stating that the petitioners are lease holders of various shops for a tenancy period commencing from 01.04.2011 to 31.03.2012; that the lease period of the petitioners expired, Gram Panchayat issued present impugned notification for conduction auction for a further period

from 01.04.2012 to 31.03.2013 and that aggrieved by the said notification petitioners filed WP.Nos. 7488, 7442, 7490, 7491 and 7457 of 2012 seeking stay of auction and since no stay was granted by this Court, present impugned notification was issued. It is also stated that petitioners also participated in the auction conducted on 16.03.2012 and bided for the subject shops by paying an amount of Rs.10,000/- towards EMD with the Gram Panchayat. It is further stated that having participated in the auction dated 16.03.2012, petitioners cannot question the same. It is also stated that being defaulters, they did not have any right to question the action of Gram Panchayat and that no statutory or fundamentals rights of the petitioners have been abridged or infringed.

Heard learned counsel for the petitioners submits that the respondents should have extended the lease of the petitioners instead of going for fresh auction.

On the other hand Sri G.Seshadri, learned counsel appearing for respondents 3 and 4 submits that petitioners were granted lease hold rights for a period of only one year in pursuance to the auction on 29.03.2011 and since one year period is expired, petitioners have no legal right to continue in the premises and have no right to extend the lease.

In the present case, admittedly, petitioners were granted lease hold rights of the subject shops for a period of one year and the same expires by 31.03.2012. Learned counsel for the petitioners has not brought to my notice any legal right for further continuation of lease. When the lease expired, petitioners shall not have any grievance. Present tender notification is issued for grant of lease hold rights for further period. If petitioners want to continue in the subject shops, they can participate in the fresh auction if they are eligible. More so, petitioners have not shown any legally enforceable right for extension of lease. Though, the petitioners were granted lease for a period of one year, by virtue of interim order dated 16.03.2012 granted by this Court in the earlier writ petitions, the petitioners have enjoyed subject shops for more than three years.

In view of the above facts and circumstances, I do not see any merit in the writ petitions. Accordingly, all the writ petitions are dismissed. Petitioners shall vacate the subject shops within two months from the date of receipt of a copy of this order by paying all the arrears of rent and they shall also give an undertaking to the effect that they would vacate the subject shops within the aforesaid stipulated period. Thereafter, it is open for the respondents to issue fresh tender notification for grant of lease hold rights of the subject shops in accordance with law. If petitioners are eligible they can also participate in the said auction. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petitions, shall stand closed.

A.RAJASHEKER REDDY, J

29.09.2015

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