

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

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

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.35209 of 2015

Between:

Smt. Budumuri Ramulamma,
W/o. B. Bangaraiah, Hindu,
Female, Aged: 50 years, R/o.D.No.7-100/1,
Sanjay Gandhi Colony,
Old Dairy Farm Post,
Visakhapatnam – 530 040,
Andhra Pradesh.

.. Petitioner

AND

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

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner claims to be a lessee of Shop Room bearing No.14, situated in Seetammadhara Municipal Shopping Complex, Visakhapatnam District. The lease was granted to the petitioner in March, 1988. The petitioner was served with impugned notice, dated 18.08.2015, directing the petitioner to vacate the Shop No.14 in Seethammadhar (Old) Shopping Complex, Ward No.10, Greater Visakhapatnam Municipal Corporation, by clearing all the dues payable to the respondent Municipal Corporation. The said notice is challenged in this writ petition.

2. Learned counsel for the petitioner contends that the property of the petitioner was acquired by the respondent Municipal Corporation and in lieu of

the said acquisition, the shop was allotted to the petitioner on a nominal rent though at that time the prevailing rent was Rs.625/-. Since the shop was allotted to the petitioner in lieu of the compensation payable to the petitioner on account of acquisition of her property, the petitioner cannot be treated as an ordinary lessee and be evicted on the ground that the lease period has completed 25 years and that a fresh auction is required to be conducted.

3. The facts on record would disclose that the lease of the shop belonging to the respondent Municipal Corporation was granted to the petitioner. What compelled the respondent Municipal Corporation to grant lease with a lesser lease amount has no relevance since the fact remains that the petitioner is a lessee of the Shop No.14 and the lease period has exceeded more than 25 years.

4. The properties belonging to the respondent Municipal Corporation are governed by the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, and the rules made thereunder and in ordinary course, the lease has to be granted only after conducting public auction and such lease has to be conducted at frequent intervals so that the respondent Municipal Corporation can secure better lease amounts on the properties belonging to the respondent Municipal Corporation. On detailed consideration of all the relevant issues concerning grant of lease of respondent Municipal Corporation properties, this Court rendered judgment in W.P.No.16035 of 2015, dated 06.07.2015. The said decision is affirmed by Division Bench of this Court in Writ Appeal No.857 of 2015. Following the directions issued by this Court in the said writ petition, the impugned orders are issued. In view of the statutory mandate and the directions issued by this Court, only the impugned notice is issued. I, therefore, see no illegality or irregularity in the issuance of notice.

5. The petitioner, being a lessee, cannot say that he cannot be evicted from the said property and can continue to occupy the premises by paying a nominal rental amount when there is a possibility of the respondent Municipal Corporation securing better rental value to its property. Thus, the writ petition

deserves no consideration.

6. Accordingly, the Writ Petition is dismissed. In the facts of this case, it is made clear that the petitioner is entitled to participate in the auction whenever the auction is conducted. The petitioner is also entitled to occupy the premises till the auctions are finalized and if the petitioner is not successful auction participant, the petitioner has to vacate the premises immediately after finalization of the auction. 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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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.35209 of 2015

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Date: 29th October, 2015

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