

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

WRIT PETITION NO.24691 of 2015

Between :

G.Sudhakar S/o.Muni Ratnam Naidu,
Aged 48 yrs, Occu : Business, Lessee of Shop No.16,
Kothapeta Road, Srikalahasti,
Chittoor District & another

.. Petitioners

and

State of A.P., rep., by its Secretary,
M.A. & U.D. Department,
A.P. Secretariat, Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 06.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?
2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals
3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The petitioners challenge the notice dated 09.07.2015 wherein, it is alleged that the lessees allowed others to utilize the properties and on that basis the petitioners were informed that action would be taken for taking possession of the property, on the alleged ground of granting sub-lease without authorization.

2. Learned counsel for the petitioners contend that the impugned order is passed without notice or prior opportunity and no material is furnished to the petitioners in support of the allegations made. According to the learned counsel there was no sub-lease and the premises continues to be in possession of the petitioners by forming a joint partnership and a retail wine shop is established.

3. As seen from the impugned proceedings dated 09.07.2015, though it is termed as notice, it is nothing but an order mandating the petitioners to vacate the premises. The impugned order is not preceded by any notice or opportunity of hearing.

4. Learned Standing counsel fairly submits that no prior notice was issued and that the impugned order may be treated as a notice and the petitioners may file their objections.

5. Having regard to the submissions made, the writ petition is disposed of, directing the respondent-Corporation to

treat the proceedings dated 09.07.2015 as notice. The respondent-Corporation shall also furnish the remarks of Revenue Inspector dated 06.07.2015, within a period of one week from the date of receipt of copy of this order. On receipt of such remarks, the petitioners shall file detailed explanations and also submit relevant documents in support of their claim, within a period of one week thereafter. On receipt of such explanations, the Corporation shall consider the same and pass appropriate orders as warranted by law, within a further period of three (3) weeks. Until final decision is taken, the respondents shall not take any coercive action against the petitioners. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

P.NAVEEN RAO,J

06th August, 2015.

Note : Issue C.C. in two (2) days.

B/o.

Rds