

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10620 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the auction notice dated 05.04.2015 issued by the respondent No.4 which is to be held on 16.04.2015, as illegal and arbitrary and for a consequential direction to the respondents to consider the representations of the petitioner to permit him to continue the lease of the shop Nos.8, 9 and 10 of Sri Dantuluri Jagannadharaju Satram, Bhimavaram, West Godavari District.

The case of the petitioner is that he is the tenant of shop nos.8, 9 and 10 belonging to the 4th respondent temple and his lease period was expired on 31.01.2014. Even after expiry of the lease period petitioner is being continued as a tenant of Shop Nos.8, 9 and 10 on payment of 50% enhanced rent. But, now the 4th respondent-temple issued auction notice dated 05.04.2015 for auctioning the leasehold rights of the said shops which are under occupation of the petitioner. It is also stated that the respondents initiated process to conduct the auction on 16.04.2015. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner who submits that on the basis of representation submitted by the petitioner the petitioner was continued in the said shops on enhancement of 50% of the rent. But, now the 4th respondent-temple cannot issue the auction notification for auctioning the leasehold rights of the said shops.

Heard Ms.K.Lalitha learned Standing Counsel for 4th respondent.

Admittedly, lease in favour of the petitioner expired on 31.01.2014 and there is no further extension in his favour, as such, it cannot be said that the impugned auction notice is bad in law. If the petitioner is interested in continuing the tenancy he can also participate in the tender process and the respondents also shall accept the bid of the petitioner along with others, if he is

otherwise eligible. Till finalisation of the auction, the petitioner may be continued in the shops on his paying the existing rate of rent on condition that he executes an undertaking that he would vacate the premises, in case he does not emerge as successful bidder. If the petitioner emerges as successful bidder he will be continued as such on fresh terms of the auction notification dated 05.04.2015.

With the above observations, the writ petition is disposed of. No order as to costs.

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

A.RAJASHEKER REDDY, J

15.04.2015

Note: Issue C.C by 15.04.2015

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