

**HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**Writ Petition No.8848 of 2015**

**Date: 01-04-2015**

Between:

G. Nagappa and 4 others

.. Petitioners

AND

The State of Andhra Pradesh, represented by its

Principal Secretary, Municipal Administration and

Urban Development Authority, Secretariat and 2 others

.. Respondents

**HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**Writ Petition No.8848 of 2015**

**ORDER:**

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This writ petition is filed for a mandamus declaring the action of the respondents in evicting the petitioners from Shop Nos.C2 to C6 of Municipal Complex, Yemmiganur Town, Kurnool District, pursuant to the impugned notice Roc.No.285/2015/A1, dated 03-02-2015 as illegal, arbitrary and violative of principles of natural justice and without jurisdiction and for a consequential direction to the respondents not to evict the petitioner from the shops.

2. The case of the petitioners is that all the petitioners are tenants of the respondent Corporation by doing their respective businesses in Shop Nos.C2 to

C6 by paying regular lease amount being enhanced from time to time and their leases were being extended from time to time on enhancement of lease amount and the same are still subsisting till 31-03-2015 and they made a representation on 13-09-2014 for renewal of their lease for another period of three years and the same was received by the respondent Corporation, but the respondent authority, without passing any orders thereon, issued the impugned notice in Roc.No.285/2015/A1, dated 03-02-2015 directing the petitioners to vacate their shops as their lease is beyond 25 years. Aggrieved by the said notice, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and Sri M.D. Saleem, learned standing counsel for the respondent Corporation.

4. Learned standing counsel for the respondent Corporation stated on instructions that as the lease of all the petitioners expired and the same is beyond 25 years, in view of judgment of a Division Bench of this Court in W.P.No.6354 of 2009, dated 25-08-2009, neither the Corporation nor the Government has power to continue the lease beyond the period of twenty five years, as such, the impugned notices were issued. He further stated that the writ affidavit does not state on which date the petitioners have taken the shops on lease and no document is produced to show that their leases are extended from time to time. He further stated that a Division Bench of this Court in W.P.No.6354 of 2009, dated 25-08-2009 held that neither the Corporation nor the Municipality can extend the leases beyond the period of twenty five years without conducting public auction.

5. A perusal of the judgment of the Division Bench of this court shows that when once the lease period of 25 years expired, the respondent Corporation has no right to extend the said lease and the only option left to the respondent Corporation is to conduct a public auction.

6. Therefore, in the above facts and circumstances, no relief can be granted to the petitioners. However, it is suffice to say that if any auction is to be conducted by the respondent Corporation for the subject shops, the petitioners can participate in the said auction along with others and in case they are declared as successful lessees, they will be continued as such. Otherwise, they have to vacate the premises. Till auction is conducted and finalized, the

petitioners may be continued on payment of rents and also arrears, if any, and on giving an undertaking that they will vacate the premises as and when auction is finalized.

With the above observations, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

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**A. RAJASHEKER REDDY, J**

Date: 01-04-2015

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