

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.20320 of 2015

Dated : 09.07.2015

Between:

Matte Venkatanaga Srirama Raju S/o.Matte Ranga Rao,
Age about 45 yrs, Occu : Business,
R/o.D.No.13-15-4/5, Ammiraju Thota,
Bhimavaram Village & Mandal,
West Godavari District.

.. Petitioner

And

The State of Andhra Pradesh,
rep., by its Principal Secretary,
Municipal Administration,
A.P. Secretariat Building, Hyderabad & another.

.. Respondents

This Court made the following :

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ORDER :

According to the petitioner, his father obtained lease of Shop No.2 near Maavoollamma Temple, Sunday Market, Bhimavaram. His father expired on 25.12.2010. After the demise of his father, the petitioner was carrying on the same business i.e., selling of vegetables and fruits in the same premises. A notice was issued on 17.04.2015 by the 2nd respondent, directing the petitioner to vacate the premises. This notice was addressed in the name of father of the petitioner who has already expired. The said fact was brought to the notice of the respondents. However, without considering the factum of death of the original lessee, a final notice is issued on 27.06.2015. Even the final notice is addressed to the deceased person. Challenging the said notice, this writ petition is filed.

2. Learned counsel for the petitioner submits that the notices issued are liable to be set aside on the sole ground that they are caused in the name of dead person. Even after informed by the petitioner, that his father died, the respondents proceeded to issue final notice as if he is alive.

3. Learned Standing counsel fairly submits that though the 2nd respondent was put on notice of death of father of the petitioner, due to inadvertence, the same was not noticed and passed final orders in the name of the deceased person and proper steps would be taken to issue fresh notice.

4. Having regard to the said submission, the notice impugned in this writ petition is set aside leaving it open to the 2nd respondent to take further course of action as warranted by law, by causing notice on the petitioner.

5. Accordingly, the writ petition is disposed of. There shall be no order as to cost.

Miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

09th July, 2015.
Rds

P.NAVEEN RAO,J

