

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

WRIT PETITION No.23123 of 2015

Between:

T. Ramanna, s/o. Nadipanna,
Aged about 63 years, Occ: Business,
Lessee of Shop Nos.15 & 16,
Old Municipal Shopping Complex,
Nandyal, R/o. 28/1169-B1-A,
Sadiq Nagar, Noonepally,
Nandyal, Kurnool District & 5 others

.. Petitioners

AND

The State of Andhra Pradesh,
Rep. by its Secretary,
Municipal and Urban Development Department,
Secretariat Buildings, Hyderabad & another

.. Respondents

AND

WRIT PETITION No.23695 of 2015

Between:

P.V. Musthafa, S/o. Mohammad,
Aged 53 years, Occ: Business,
Lessee of Shop Room Nos.20, 21, 22, 23,
Old Municipal Office Shopping Complex,
Vegetable Market Premises, Nandyal Town,
Kurnool District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration and
Urban Development Department,
A.P. Secretariat Building, Hyderabad & 2 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 31.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.23123 & 23695 of 2015

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COMMON ORDER:

In these two writ petitions, the petitioners challenge notice, dated 09.07.2015, informing the petitioners that as lease period exceeded 25 years insofar as the subject premises are concerned and that the authorities have taken decision to conduct fresh auction and directed the petitioners to vacate those shops. The petitioners challenge the said proceedings on various grounds.

2. However, when the matters are taken up, learned counsel for the petitioners as well as Sri Md.Saleem, learned Standing Counsel for the respondent Municipality have agreed for the disposal of the writ petition following the orders passed by this Court in W.P.No.8217 of 2015, dated 30.03.2015, and W.P.Nos.30741 of 2011 and batch, dated 19.06.2015.

3. Accordingly, the Writ Petitions are disposed of as under:

The respondents can go ahead with conducting auction to the shops, which are occupied by the petitioners, without evicting the petitioners. Learned counsel for the petitioners submits that the petitioners shall vacate the shops as and when auction is conducted and finalized. The petitioners shall also file an undertaking to that effect before the respondents.

In view of the same, as and when respondents 1 and 2 conduct auction, the petitioners can also participate in the said auction and if they emerge as highest bidders, they shall be entitled to continue as fresh lessees. If they are not the highest bidders, it shall be the obligation of the petitioners to vacate the premises as and when auction proceedings are finalized and the respondent-Corporation wants to put the property in possession to the successful bidders. Till the said exercise is completed, the petitioners shall continue as lessees on payment of enhanced rent at the rate of 33 1/3% over and above the existing rents. If there are any arrears payable by the petitioners, they shall also clear the arrears immediately.

There shall be no order as to costs. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

P.NAVEEN RAO, J

Date: 31st July, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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