

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11132 OF 2015

ORDER:

This writ petition is filed seeking *Writ of Mandamus* declaring the action of the respondents in undertaking to demolish the house of the petitioner bearing H.No.4-24 situated at Pamulaparthi Village, Wargal Mandal, Medak District for laying road, without following due process of law, as illegal and arbitrary and for a consequential direction to the respondents not to demolish the house of the petitioner without following due process of law.

The case of the petitioners is that they are lease holders of the shops bearing Nos.64, 63, 69 and 61 of PMR Complex, Srikalahasti, Chittoor District. While so, the 2nd respondent issued notice dated 21.01.2015 to the petitioners stating that they are going to enhance the lease rent upto 33.33% over the existing rents and directed them to renew the same as per the conditions mentioned in the said notice within 7 days, failing which they shall conduct auction on 18.04.2015 without giving any further notice. While so, the petitioners orally requested the respondent authorities to reduce the rents as they were not able to renew the said lease due to poor business. But the 2nd respondent without giving an opportunity, issued notice dated 22.01.2015 to conduct public auction on 18.04.2015 in respect of the shops which are in occupation of the petitioners. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner.

Sri Md.Saleem, learned Standing counsel appearing for 2nd respondent-Municipality, submits that even though notices were issued to the petitioners for extension of lease on payment of enhanced rent @ 33.33% on existing rent, much prior to the expiry of their lease period, they have not come forward accepting the same. As such it cannot be said that auction notice issued by the 2nd respondent for conducting auction in respect of the said shops is illegal. He further submits that petitioners instead of utilizing the opportunity sought for

reduction of lease, which is not tenable and the same cannot be accepted.

In view of the above facts and circumstances, this writ petition is disposed of giving liberty to the petitioner to participate in the public auction to be conducted on 18.04.2015, if they are eligible. However, petitioners shall be continued in the said shops on payment of arrears, if any, and by giving an undertaking that they would vacate the subject shops as when the auction proceedings are finalized by the 2nd respondent and also continue to pay the rents, till they vacate the shops.

There shall be no order as to costs. As a sequel, miscellaneous petitions, pending, if any shall stand closed.

A.RAJASHEKER REDDY, J

17.04.2015

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