

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.24853 OF 2010

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondent municipality in not allotting Shop No.MG 43, situated at Sri Potti Sreeramulu Municipal Market Shop, Srikakulam, in the name of the petitioner, wherein the petitioner was doing Coconut business for the last 40 years by duly paying the enhanced rents without any default and inspite of the orders passed by this Court in WP.No.29058 of 2008 & 26588 of 2009, dated 05.12.2009, as illegal and arbitrary and in gross violation of principles of natural justice and consequently sought for direction to the respondent to allot the aforesaid shop to the petitioner.

The respondent-Municipality has filed counter affidavit stating that Shop No.MG 43 situated in the Municipal Market, Srikakulam is in the name of one A.Ramanayya who has been paying rents to this municipality, and that the petitioner is not allotted the above shop as he is in no way concerned with the allotment of the subject shop. It is also submitted that the petitioner has not approached and submitted any representation in this Municipality for change of his name in the records, and as such incorporation of his name in the records does not arise since he has not paid any lease amounts. It is further stated that as the building in market area was in dilapidated condition, the respondent authorities demolished the entire market building and constructed a new building in its place. It is further stated that as the said shop is in the name of one A.Ramanayya, a notice was issued to him after drawl of lottery. It is also stated that petitioner has no right to approach the Court for allotment of the subject

shop in the municipal market since he is not the lessee, and that in the earlier writ petitions which was referred to by the petitioner, this Court issued directions to allot the shop on drawal of lots in the presence of the Joint Collector, Srikakulam.

The petitioner has not chosen to file any reply affidavit.

Heard both sides.

The petitioner claims to be in exclusive possession of the Shop No.MG 43 for the last 40 years by paying rents to the respondent-Municipality and as such he is entitled for allotment of the shop in the newly constructed market building. The petitioner has also submitted representations to the respondent-municipality bringing out his grievance to the notice issued by the Municipality in the name of A.Ramanayya. However, the same was denied by the respondent-Municipality stating that third person is in possession of the subject shop and that the petitioner has no right to claim the subject shop. The petitioner has not shown any rule or legal position for allotment of the subject shop. Further, the petitioner was not a lessee at any point of time. As such no Mandamus can be issued for allotment of the shop as claimed by the petitioner. In view of the above, I do not see any merit in the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel to the dismissal of the writ petition, Interim Orders, if any passed, shall stand dissolved.

A.RAJASHEKER REDDY, J

08.09.2015
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