

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.33544 of 2015

DATED : 12.10.2015

Between :

N. Radhakrishna Murthy S/o.Late Narasaiah,
Aged about 71 yrs, Lessee of Shop No.40/393-11 &12,
Park Road, Municipal Complex, Kurnool & others

.. Petitioners

and

The State of Andhra Pradesh, rep., by its Secretary,
Municipal Administration & Urban Development Dept.,
Secretariat Buildings, Hyderabad & 2 others.

.. Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.33544 of 2015

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ORDER :

In this writ petition the petitioners challenge the notice dated 22.09.2015

informing the petitioners that as the lease period exceeded 25 years insofar as 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 matter is taken up, learned counsel for the petitioners as well as Sri S.D. Goud, learned Standing counsel for the respondent Corporation, 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, this writ petition is 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 of 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 this writ petition shall stand closed.

P.NAVEEN RAO,J

12th October, 2015.

Rds

