

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7250 OF 2015

ORDER :

This writ petition is filed for a Mandamus to declare the action of 2nd respondent in conducting auction in respect of shops bearing Nos.1 to 13 respectively located in Old Bus stand, Bodhan, Nizamabad District, in which petitioners are continuing as lessees, pursuant to auction notification dt.09.03.2015 in No.A2/139/2015 issued by 2nd respondent as illegal and arbitrary and consequently direct the 2nd respondent to consider the representation made by petitioners on 16.03.2015 and extend leases in favour of petitioners in respect of the above shops by setting aside the auction notification dt.09.03.2015 issued by 2nd respondent.

The grievance of the petitioners is that the petitioners are lessees of second respondent municipality for the last more than 30 years and without putting them on notice though they were paying rents regularly and also willing to pay the enhanced rents also for the extent of lease, the present impugned notice dt.09.03.2015 in No.A2/139/2015 for grant of leases in respect of shops, which are in occupation of the petitioners, is issued. Aggrieved by the same, the present writ petition is filed.

Heard Sri K.Raghuveer Reddy, learned counsel for the petitioners, learned standing counsel for R1 and Sri D.Bhaskar Reddy, learned counsel for the second respondent and perused the material on record.

Learned standing counsel submitted that once lease is over,

fresh notification can be issued and petitioners can also participate in the auction and once 25 years lease period expires, respondent authorities cannot extend the leases.

In fact, in the present case it is not in dispute that lease in favour of the petitioners expires by 31.03.2015 and no rule is brought to my notice that lease can be extended for further period. In view of the same, it is open for the petitioners to participate in the tender process and if petitioners emerge as successful bidders, they can be continued on the terms and conditions as laid down by the respondent Corporation in pursuance of the impugned tender notification.

On the other hand, once the auction is finalised in favour of successful bidders and petitioners do not emerge as successful bidders, they have to vacate the premises for handing over the same to the successful bidders. Till then, the petitioners shall pay the rents.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

20.03.2015
Rns

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Date:20.03.2015

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