

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.32024 OF 2011

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in trying to demolish the structures of M/s.G.Silver Spoon Restaurant and Entertainments (Ameba Park), situated in Sy.No.1009, near by Door No.7-5-179, Ward No.18 of GVMC, admeasuring 1896 sq.mtrs. at beach road, Visakhapatnam, as illegal and arbitrary.

The case of the petitioner is that the Government of Andhra Pradesh vide G.O.Rt.No.1779, MA & UD (K1) Department, dated 16.12.2008 has sanctioned the lease of the subject property to the petitioner and in pursuance of the same, petitioner has entered into the lease agreement with the 1st respondent for a period of nine years commencing from 14.07.2009 to 13.07.2018. It is also stated that the lease can be extendable for every three years as per the Government orders issued in G.O.Rt.No.1779, MA & UD (K1) Department, dated 16.12.2008, subject to enhancement of rent @ 33.33%. By virtue of the same, petitioner is in possession of an extent of 1896 sq.mtrs. by the side of beach road by paying rentals regularly. While so, the 2nd and 3rd respondents visited the subject premises on 02.12.2011 and sought demolition of the structures raised by the petitioner. Aggrieved by the same, present writ petition is filed.

None appears for the petitioner.

Sri S.Laxminarayana Reddy, learned Standing Counsel for respondents submits that the writ petition is filed only on apprehension and that though the petitioner has violated Clauses 5, 12, 15 & 20 of the agreement dated 02.12.2010, as on today, no action is being taken against the petitioner. He

further states that the Corporation will take appropriate action by putting the petitioner on notice.

Recording the aforesaid submission the writ petition is disposed of. However, it is open for the respondent Corporation to take appropriate action as per the terms and conditions of the agreement in case of any violations committed by the petitioner. 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

05.06.2015

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