

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.41394 of 2015

-
21.12.2015

Between:

Kolakaipudi Ramanareddy and others

.. Petitioners

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioners: None appeared

Counsel for respondent Nos.1 to 3: Government Pleader
for Municipal Administration and Urban Development (AP)

Counsel for respondent No.4: --

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the inaction of respondent No.4 in considering the petitioners' representation, dated 09.12.2015, for grant of extension of time by three more months for vacating shop Nos.1 to 10 situated at Municipal Marketing Building, Ward No.2, Trunk Road, Kavali, as illegal and arbitrary.

At the hearing, there is no representation for the petitioners.

I have heard Mr.Md.Saleem, learned standing counsel for Municipalities (AP), appearing for respondent No.4 and perused the record.

The petitioners, who are lessees of the aforesaid shops belonging to respondent No.4, have filed W.P.No.29789 of 2015 questioning the notice, dated 28.08.2015, of the said respondent demanding their eviction from the shops in their occupation on the grounds that the building is in a dilapidated condition, the same requires to be demolished and a afresh construction needs to be undertaken. While disposing of the said writ petition, this Court has granted three months time from the date of disposal i.e., 14.09.2015, for vacating the premises, leaving respondent No.4 free to take further course of action as warranted by law, if the petitioners do not vacate the premises. This Court further observed that it will be the sole responsibility of the petitioners, if any untoward incident occurs on account of their occupation of the building. The petitioners pleaded that in view of the recent cyclones, they could not secure alternative accommodation and that they have approached respondent No.4 with a request to extend time. Feeling aggrieved by the failure of the said respondent to respond to their request, the petitioners have filed this writ petition.

In my opinion, this writ petition is wholly misconceived for the reason that this Court has stipulated three months time for the petitioners to vacate the premises in the previous writ petition. If at all,

they can only move an application in the said writ petition for further extension of time and they cannot institute a substantive case for the purpose of extension, for, any order that may be passed by this Court in favour of the petitioners in the present case would run contrary to the order already passed by it.

Hence, the Writ Petition is dismissed, however, with liberty to the petitioners to avail the remedy as suggested hereinabove.

As a sequel to dismissal of the writ petition, W.P.M.P.No.53437 of 2015 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

21st December, 2015

GHN