

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25409 of 2012

ORDER:

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This writ petition is filed to declare the inaction on the representations dated 12-07-2012 submitted by the petitioners to the 3rd and 4th respondent,

pursuant to the proceedings in Rc.No.3717/05-A1 and Rc.No.1192/03-A1, dated 01-04-2012 and insisting the petitioners to vacate from the respective shops of their leasehold as illegal and arbitrary.

The case of the petitioners is that the petitioners were granted lease in respect of shop Nos.1 to 9, 12 and 22 in Addanki Bus Station Municipal Shopping Complex, Ongole, Prakasam District, which is owned by

the 3rd respondent-Municipal Corporation and running various businesses in the said shops. It is further stated that the petitioners are continuing on enhancement of lease amount for every three years and paying rents without any default. While so, the 3rd respondent issued separate notices dated 01-04-2012 to the petitioners in proceedings in Rc.No.3717/05-A1 and Rc.No.1192/03-A1 asking the petitioners to vacate their respective shops and deliver the possession of the same to the 3rd respondent, as the lease period for the shop expired by 31-03-2012. After receipt of said notices, the petitioners filed representations dated 12-07-2012 to the 3rd respondent for extension of lease period by invoking G.O.Ms.No.686, dated 30-07-1968 and also G.O.Ms.No.384, dated 19-07-1988. But no orders are passed on the same. Meanwhile, the

staff of the 3rd respondent came to the shops of the petitioners and threatened petitioners to vacate immediately otherwise they will evict by police force. Aggrieved by the same, the present petition is filed.

Counter is filed by the 3rd respondent stating that as per Municipal Administration and Urban Development Department Memo No.18823/J1/2008-1, dated 17-11-2009 and in pursuance of Division Bench judgment of this Court in **B.Krishna Reddy and Government of Andhra Pradesh, represented by its Principal Secretary, Municipal Administration Department** neither the Government nor Municipality has power to extend the lease beyond a period of 25 years without conducting open auction. As such, all the Commissioners in the State are implementing the orders of this Court and conducting public auction. G.O.Ms.No.686, dated 30-07-1968 and also G.O.Ms.No.384, dated 19-07-1988 are not applicable to the present case, because the petitioners have taken lease 25 years back and the same was intimated to the petitioners. It is stated that they will follow due process of law.

It is further stated that the petitioners never submitted representations before the respondent on 12-07-2012 to extend the lease and sought for dismissal of the writ petition.

In this case, it is to be seen that admittedly, even according to the petitioners, there is no subsisting lease as on today. The petitioners have not shown any legally enforceable right for extension of lease. Even otherwise, If the petitioners have made any such application for extension of lease, the respondent has to initiate action basing on the memo issued by Municipal Administration and Urban Development dated 17-11-2009 and as held by Division Bench judgment of this Court cited supra that neither the Government nor municipality has power to extend the lease beyond 25 years.

In view of the same, I do not see any merit in the writ petition.

Accordingly, the writ petition is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

A.RAJASHEKER REDDY,J

13-10-2015

Nvl

