

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

WRIT PETITION NOs.26379 OF 2014 AND 34724 OF 2015

DATED:3-11-2015

W.P. No.26379 of 2014

Between:

P. Kavitha ... Petitioner

And

The Government of Andhra Pradesh

Rep. by its Principal Secretary

for Endowments Department

Andhra Pradesh Secretariat

Hyderabad

and another ... Respondents

COUNSEL FOR THE PETITIONER: Mr. Ch. Srinivas

COUNSEL FOR RESPONDENT No.1: G.P. for Endowments

COUNSEL FOR RESPONDENT No.2: Mr. A. Sreekanth Reddy

(Name of the counsel for respondent

No.2 may be shown subject to filing

of his Memo of Appearance within

one week from the date of the order)

W.P. No.34724 of 2015

Between:

P. Kavitha ... Petitioner

And

The State of Andhra Pradesh
Rep. by its Principal Secretary
for Endowments Department
Secretariat
Hyderabad
and another ... Respondents

COUNSEL FOR THE PETITIONER: Mr. V.S.K. Rama Rao

COUNSEL FOR RESPONDENT No.1: G.P. for Endowments

COUNSEL FOR RESPONDENT No.2: Mr. A. Sreekanth Reddy

(Name of the counsel for respondent

No.2 may be shown subject to filing

of his Memo of Appearance within

one week from the date of the order)

THE COURT MADE THE FOLLOWING:

COMMON ORDER:

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The petitioner in both these writ petitions is common. Her grievance pertains to the arbitrary action of respondent No.2 in not extending lease in respect of shop No.1, near Reddy Choultry at Sri Brahmarambha Mallikarjuna Swamy Devasthanam (hereinafter referred to as 'the Devasthanam'), in Srisailam, while the lease was extended in favour of 110 persons. When an auction notification was issued for

leasing out the shops, the petitioner has filed W.P. No.26379 of 2014. This Court by order dt.9.9.2014, having been satisfied with the *prima facie* case, directed not to finalise the bids in respect of the subject shop while allowing the auction to go on. Thereafter, the respondents have locked the shop allotted to the petitioner. Feeling aggrieved by the said action, the petitioner filed W.P. No.34724 of 2015.

At the hearing, Mr. Sreekanth Reddy Ambati, learned counsel for respondent No.2, while admitting that in respect of similarly situated persons, who are 110 in number, respondent No.2 has extended the lease upto 31.12.2015, however, submitted that the reason for not extending the lease in favour of the petitioner was that it came to the notice of his client after the lease period expired that her husband was an employee of the Devasthanam. Learned counsel for the petitioner submitted that there is no bar for family members of an employee of the Devasthanam to participate in the auction. Learned counsel for respondent No.2 is unable to point out any condition which disqualifies a family member of an employee of the Devasthanam to participate in the auction and run the shop on lease. In the absence of such a bar, the action of respondent No.2 in not extending the lease in respect of the petitioner's shop while extending the lease of 110 similarly situated persons, constitutes patent arbitrariness and invidious discrimination. On this short ground alone, these writ petitions are allowed.

Respondent No.2 is directed to forthwith renew the lease in favour of the petitioner till 31.12.2015 as in the case of 110 other lessees subject to the same conditions as are stipulated for those lessees. The petitioner shall however pay all the arrears upto 31.3.2014 from which time she was not permitted to run the shop. Respondent No.2 shall treat the petitioner in the same manner as he treats the other 110 lessees for the period beyond 31.12.2015.

As a sequel to disposal of the writ petitions, W.P.M.P. Nos.33003 of 2014 and 44622 of 2015 in the respective writ petitions shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

03-11-2015

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