

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.9082 OF 2007

DATED : 02.09.2016

Between :

C.Seshadri S/o.Late C.Ramakrishna,
Aged about 65 yrs, Occu : Job typist,
R/o.H.No.1-2-41/2, Domalguda, Hyderabad & others.
.. Petitioners

And

The Registrar, (Management),
High Court of Andhra Pradesh, Hyderabad & another.
.. Respondents



This court made the following :

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ORDER :

Petitioners were allotted space in City Civil Court complex to undertake court related work such as Photocopying, job typing, sale of forms, notices, law books; some shops were also established to sell fruit juices etc. Later in the said place Nyaya Seva Sadan building was constructed. In the year 2005 petitioners were asked to relocate their shops to another place identified by the respondents. Accordingly, the shops were relocated and are in operation. During subsistence of licence, petitioners were served with notice dated 28.03.2007 directing them to vacate the premises. Aggrieved thereby this writ petition is filed.

2. By order dated 01.05.2007, learned Single Judge, of this Court passed the following order :

“From a perusal of the record and in particular the counter filed on behalf of the respondents and the enclosures thereto, it is evident that except a letter addressed by the advocate and a reply dated 5.2.2007 issued by the learned Chief Judge, there does not exist any basis for the proposed action. Further, the applications for renewal of the leases are said to be pending.

Unless a policy decision is taken and the area is identified for any specific purpose, the petitioners deserve to be continued.

Hence, there shall be stay of eviction of petitioners. This is however subject to condition that it shall be open to the learned Chief Judge to pass orders on the applications submitted by the petitioners for renewal and the identification of the property for any specific purpose for the Court.”

3. In terms of the interim order, petitioners seem to be continuing to run their respective shops and they have been paying licence fee as determined by the 2nd respondent.

4.1. Learned counsel for the petitioners submit that the impugned notice amounts to arbitrary exercise of power and authority. Petitioners have been eking out their livelihood for long time and on account of the impugned order, they are thrown out of their petty jobs. It is difficult for the petitioners to relocate in the vicinity of civil courts building at Hyderabad. The jobs which petitioners are undertaking directly relatable to the judicial work in City Civil Courts and they cannot survive at any other place.

4.2. Learned counsel for the petitioners would further submit that there is no justification to throw out the petitioners only on the ground that High Court has taken a policy decision not to allow establishment of private shops within the Court premises. He would submit that in Ranga Reddy Court's Complex and in Secunderabad Court's Complex, shops were constructed and persons doing similar nature of job work are allowed to establish their shops. Whereas in City Civil Court's Complex only place was shown to them and the petitioners were asked to establish their own shops and by spending money they have established their shops. He would further submit that this space is not useful for any construction. There was a big well located at the said place and it was being filled with gravel and other material and in that space only shops are established. Thus, no construction can come up on this place. Instead of keeping this place idle, the petitioners can be allowed to continue to do their job works by paying the licence fee as determined. He would further submit that the directions issued by this Court on 01.05.2007 are not complied and without complying the said directions, petitioners cannot be thrown out.

5.1. Learned Standing counsel would submit that the petitioners are only licencees. Licences were granted to them for a period of one year. After expiry of the licence period they have no manner of right to continue to occupy the place given to them. Though licence period expired long ago, on account of the interim order passed by this Court, petitioners are continued in the same premises while charging the licence fee. He would submit that there is lot of constraint in providing space for parking of vehicles and this place is required for parking. He would further submit that the High Court has issued several circulars directing the subordinate courts to remove all shops located within the premises.

5.2. Learned standing counsel placed on record the letter dated 20.08.2016 addressed by the Chief Judge, to the Registrar General. Through this letter the Chief Judge, informs that 31 petitioners were requested to pay the rent as per the High Court's order and were also requested to submit their latest passport size photographs along with their applications for identification purpose and rent receipts. 29 persons have submitted the information sought and two have not submitted any application for continuation.

5.3. Learned Standing counsel would further submit that as verified by the Chief Judge, the original licencees have not occupied the premises. Some of them have sub-let and some of them have violated the conditions of licence and operating some other business other than for which the licence was sought and granted. Learned standing counsel fairly submits that certain shops were constructed in City Civil Court premises,

Secunderabad and in Ranga Reddy Court premises and licences were granted. He would further submit that no decision is taken so far for utilization of the space occupied by the petitioners for location of parking.

6. It is not in dispute that petitioners were granted licence for a period of one year and licence would expiry on completion of one year period. Petitioners are only licencees. Once the licence period expires there is no manner of right to claim that they should be continued. There was never an assurance given that their licences would be continued perennially. Thus, petitioners were conscious of the fact that the licences granted to them are of temporary nature. Earlier petitioners were located at a place where subsequently, Nyaya Seva Sadan building was constructed. It is an accepted fact that there is space constraint.

7. Learned Standing counsel, on instructions, now states that there is lot of space constraint for parking purpose and this space may be required. However, it is not in dispute that so far no such decision is taken to make provision for parking.

8. Learned counsel for the petitioners fairly submits that if the respondents require the space for any purpose, petitioners are willing to vacate the premises, but unless and until the place sought is to be utilized for development activity, merely because petitioners are licence holders for one year, they cannot be thrown out. I see merit in their contention. Furthermore, they have been in occupation of the subject space for more than 11 years. More so, the Court complexes have provided space for establishment of similar kind of shops in Secunderabad and Ranga Reddy District.

9. Having regard to the above, the writ petition is disposed of directing the respondents not to disturb the petitioners from their respective shops located within the City Civil Court's complex till the licence period is over. If the respondents do not require the space occupied by the petitioners for any development activity of the 2nd respondent Court Complex and if petitioners apply for renewal of licences, the same may be considered objectively and to renew until such requirement arises. It is needless to observe that the petitioners shall comply with the conditions as were imposed in the order No.3681/9/2003/ACCOUNTS dated 19.05.2003 of the Chief Judge, City Civil Court, or any other conditions that may be imposed. It is also further observed that it is open for the Chief Judge, City Civil Court to cancel the licences and evict forthwith any person who violates the conditions. The Chief Judge is also competent to verify whether the licencees have occupied the premises and carrying on the profession and occupation for which the licences were granted before renewing the licences granted to the petitioners. It is also open for the Chief Judge, to evict such persons from the shops, which are not being enjoyed by the licencees, but somebody else is occupying the licenced premises and/or the profession or occupation carried out in those premises is not the same for which the licence was originally sought for. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

2nd September, 2016
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