

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.11140 and 10138 of 2012

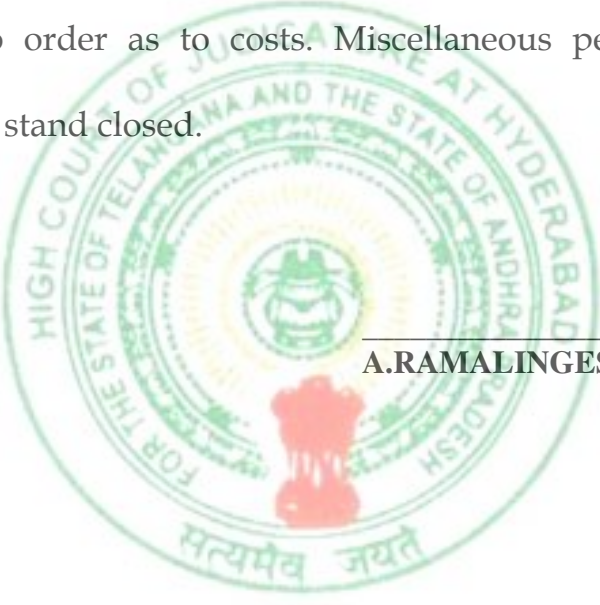
COMMON ORDER:

1. These two Writ Petitions are being disposed of by this common order as they involve similar issue for consideration by this Court.
2. The petitioners are businessmen and carrying on business in Rajeev Gandhi Memorial Municipal Shopping Complex, Karimnagar. The petitioners were given shops on monthly rent. When there was an abnormal increase in the monthly rent, the petitioners filed the present writ petitions.
3. A similar issue came up for consideration before this Court in W.P.No.31301 of 2011 and batch and this Court by order dated 30.06.2015 disposed of the said batch of cases as follows:

“No doubt the respondent by way of resolution cannot enhance the rents retrospectively, if the lease is expired. But, it can enhance the rents prospectively from 10.06.2011. Since it is stated that lease period of the petitioners is expired, it is open for the respondent corporation to conduct fresh auction. The petitioners are liable to pay enhanced rents from 10.06.2011 prospectively. Till the fresh auction is conducted by the respondent, the petitioners can be continued on payment of arrears prospectively from 10.06.2011 and also future rents at enhanced rents @ 33 1/3% on the existing rents. However, as and when the auction takes place, petitioners can participate in the same, if they are

eligible. If the petitioners emerge as successful bidders, they shall be continued on fresh terms and on payment of arrears on the enhanced rents from 10.06.2011, otherwise they shall hand over the possession to the respondent corporation for handing over the same to successful bidder. The petitioner shall file an undertaking to that effect."

4. In view of the same, these two Writ Petitions are also disposed of in terms of the above order of this Court. The learned Standing Counsel for the respondent expressed no objection for disposal as aforesaid. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.



A.RAMALINGESWARA RAO, J

25-10-2016
Gsn