

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42684 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the order and decree in O.A. No.764 of 2011, dated 15.11.2016, of the A.P. Endowments Tribunal at Pedakakani, Amaravathi, Andhra Pradesh as bad, illegal, erroneous and contrary to law and set aside the same, further granting consequential direction to 4th respondent not to evict the petitioner from shop No.1 (15-3-161) situated at G.S.Sannidhi Street, Tirupathi belonging to the 4th respondent Mutt, including interfering with any manner whatsoever belonging to the 4th respondent Mutt and consequentially direct the respondents 2 to 4 to extend the lease of the above said shop, on par with the neighbouring shop keepers, who were granted extension of lease by the 4th respondent.

The case in brief is that the petitioner is the leaseholder of a shop of the 4th respondent situated in Govindaraja Swamy Sannidhi Street, Tirupathi, for a period of five years from 1998. Thereafter, he made a representation in the year 2003 for extension of the lease period. But, the 4th respondent did not extend the lease. Thereafter, the petitioner filed civil suit also. The 4th respondent approached the A.P. Endowments Tribunal in O.A. No.764 of 2011, which was allowed by the Tribunal, directing the petitioner to vacate the said premises and to hand over vacant possession of the same to the 4th respondent within a period of one month from the date of that order and also directed the Station House Officer, Tirupathi Police Station - 3rd respondent, to provide police assistance for implementing the order passed in the O.A., vide order, dated 15.11.2016. Meanwhile, the petitioner made number

of representations to the 4th respondent to extend his lease. But, the 4th respondent did not consider his representations.

After arguing for sometime, learned counsel for the petitioner confined his arguments only in connection with directing the 3rd respondent to consider his representation, dated 03.12.2016, and also prayed to direct the 3rd respondent not to interfere with the possession of the petitioner in respect of the subject shop, till the disposal of the said representation.

Considering the grievance of the petitioner, without going into the merits of the case, the 3rd respondent is directed to consider the representation, dated 03.12.2016, made by the petitioner and pass appropriate orders in accordance with law, within a period of two (2) months from the date of receipt of a copy of this order. Till disposal of the said representation, the respondents are directed not to interfere with the possession of the petitioner over Shop No.1, (15-3-16), G.S Sannidhi Street, Tirupathi. Meanwhile, the petitioner is also directed to pay the entire arrears of rent to the 4th respondent, at the rate fixed by the A.P. Endowments Tribunal in O.A. No.764 of 2011, vide order, dated 15.11.2016.

With the above directions, the writ petition is disposed of. No order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

December 08, 2016.
KTL