

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.25 OF 2011

ORDER:

This writ petition is filed challenging the action of the respondents in calling the sealed tenders without extending the lease to the petitioner godown bearing No.26-24-43, situated at Opposite to Municipal Stadium, Visakhapatnam.

The petitioner claims to be a dealer of Hindustan Petroleum Corporation Limited in Visakhapatnam Town. He took the lease of the godown in issue on monthly rent of Rs.1,000/- initially for a period of two years from 2006. After expiry of lease period, the same was extended for another two more years vide proceedings dated 11.11.2008. Since the period of another two years lease was expiring by November, 2010, the petitioner made a representation on 12.10.2010 to the 2nd respondent for extension of lease on mutually agreed rent. Instead of extending the lease period, the respondents issued proceedings dated 01.11.2010 to vacate the premises forthwith. Later on by proceedings dated 07.12.2010 the 3rd respondent was asked to fix suitable rent and call for sealed tenders to lease out the subject godown. In those circumstances, the present writ petition is filed.

Though this Court allowed the proceedings to go on, but the tender proceedings shall not directed to be finalised for a period of four weeks by order dated 06.01.2011. It expired in the month of February, 2011 itself.

Now a counter affidavit is filed by the respondents admitting the lease of the godown to the petitioner initially for a period of two years from 01.12.2006 and extension of the same for another period of two years up to 10.11.2010. After completion of the lease period, the petitioner was asked to vacate the godown, but the petitioner voluntarily submitted a demand draft for Rs.12,000/- towards advance for the period from April, 2010 to March, 2011 in excess of the amount due for the lease period i.e. up to 11.11.2010. The godown is situated in busy commercial area and as per the procedure, the respondents took a decision to lease out the said godown by inviting sealed

tenders and in open action. Accordingly, open auction was conducted on 13.01.2011 and the petitioner along with 7 others participated in the auction. The highest rate quoted was Rs.7/- per sft., whereas, the petitioner quoted Rs.6.75ps per sft.

In view of the interim order granted by this Court on 06.01.2011, the tender could not be finalised. In view of the expiry of the extended lease period in favour of the petitioner and the fact that the petitioner participated in the tender process, the relief sought for by the petitioner cannot be granted.

The writ petition is dismissed giving liberty to the respondents to finalise the tender process pursuant to the tender notification and auction conducted on 13.01.2011. If the petitioner is in occupation of the godown pursuant to the stay order and any amount of arrears of rent is due, it is open for the respondents to recover the same in accordance with law. There shall be no order as to costs.

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

A.RAMALINGESWARA RAO, J

DATE 01.03.2016
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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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DATED: 01.03.2016

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