

THE HONOURABLE MR JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.18371 of 2016

ORDER

Challenging the proceedings dated 05.06.2016 issued by the 1st respondent in terminating the petitioner's license prematurely and attempting to take possession of Shop No.1, Opposite to Annadanam Building without resorting to Section 83 of the Endowments Act, the present writ petition is filed.

2. It is the case of the petitioner that he was allotted Shop No.1, Opposite to Annadanam Building, for selling pooja materials and spiritual books, for a period of two years and consequently, the lease period was extended from time to time and finally, his lease period would expire by 31.08.2016. While so, in view of the policy decision of the Government to decongest the up-hills (removal of all the shops and shopping complex at uphill), the 1st respondent issued the impugned proceedings terminating the license of the petitioner prematurely and attempting to take possession of his shop. Hence, the petitioner filed the present writ petition.

3. On 13.06.2016, when the matter came up for admission, learned Standing Counsel for 1st respondent took time to get instructions. Today, when the matter came up for hearing, learned Standing Counsel for 1st respondent and learned Government Pleader for Endowments for 2nd and 3rd respondents submit that by the time when the matter came up for admission i.e., 13.06.2016, the shop of the petitioner was demolished along with other structures. In those circumstances, learned Standing Counsel submits that as the lease period would expire by

31.08.2016, the petitioner would be entitled for remission of rent/damages for two months and if the petitioner makes a claim for the same, the same will be considered by the respondents to explore the possibility of mitigating the loss.

4. In view of the aforesaid submission of the learned Standing Counsel for 1st respondent and in view of the fact that the petitioner is deprived of earnings for a period of two months till 31.08.2016 and as there is every possibility of accommodating the petitioner at other place where similarly situated persons were accommodated through the auction process, the said benefit may be extended to the petitioner. Therefore, I deem it appropriate to direct the petitioner to submit an application to the 1st respondent, and upon filing such an application, the 1st respondent shall extend the same benefit subject to condition of the petitioner fulfilling all conditions with respect to rent and tenure as stipulated. The entire exercise shall be completed within a period of three weeks from the date of receipt of application of the petitioner.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

20th June, 2016
sj