

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.1248 of 2016

Date:27.01.2016

Between:

Sangati Simhadri Raju,
S/o Obaiah and another.

..... Petitioners

And:

The State of A.P., repled by its Principal
Secretary, Municipal Administration
Department, Hyderabad and another.

.....Respondents

Counsel for the Petitioners: Mr. G.Rajeshwar Reddy

Counsel for Respondent No.1: GP for Municipal Admn. (AP)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent No.2 in proposing to conduct auction scheduled on 19.01.2016 in respect of the shops bearing Nos.37 and 38, Ground floor, situated at T.B.Complex, T.B.Road, Proddatur, YSR Kadapa District, in pursuance of the public auction notice, dated 08.01.2016, as illegal and arbitrary.

This Court on 19.01.2016, passed the following order:

“Mr. Md.Saleem, learned Standing
Counsel for Municipalities (Andhra Pradesh)
takes notice for respondent No.2-

Municipality. He has submitted that the petitioners were due in a sum of Rs.1,13,688/- each upto 21-08-2015; that they have also committed default in payment of rents for the subsequent months; and that on 08-10-2015, each of the petitioners has paid Rs.26,543/-. He has further submitted that as the petitioners committed default in payment of the rents, notice was issued for cancellation of lease. He has, however, submitted that so far, cancellation order has not been passed.

In the light of the above facts, the petitioners are permitted to pay the entire arrears of lease amounts within one week from today. Subject to this condition, there shall be stay of auction of leasehold rights of shop Nos.37 and 38 of T.B.Complex, T.B.Road, Proddatur, YSR Kadapa District, pending further orders.”

Mr. Md.Saleem, learned Standing Counsel for Municipalities (Andhra Pradesh), appearing for respondent No.2-Municipality, on instructions, submitted that in obedience to the above-mentioned order, the petitioners have not deposited any part of the arrears.

Mr. G.Rajeshwar Reddy, learned counsel for the petitioners, submitted that as the petitioners were not running the business, they could not raise the money for paying the entire arrears and that when they were prepared to pay 50% of the arrears, the respondents refused to receive the same.

At the hearing, it has come out that in view of the above-noted order, the auction is postponed.

In the above facts and circumstances of the case, the Writ Petition is disposed of by permitting the petitioners to deposit the entire arrears within two weeks from today. If such deposit is made, the petitioners are entitled to run the shops till 30.6.2016. If the petitioners fail to deposit the amount as directed above, respondent No.2 shall be free to hold a fresh auction. In such event,

the petitioners shall handover vacant possession of the shops to respondent No.2 without any demur.

Subject to the above directions and observations, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.1591 of 2016 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*27th January, 2016
DR*