

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT APPEAL No.1170 OF 2016

ORDER: (Per Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This Appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P. No.1697 of 2016 dated 21.01.2016.

The appellant herein is the petitioner in the writ petition. He invoked the jurisdiction of this Court, under Article 226 of the Constitution of India, to declare the action of the Greater Visakhapatnam Municipal Corporation (GVMC), and its Deputy Commissioner, in dispossessing him from Shop No.1 of Seethammadhara (old) Shopping Complex, GVMC, Visakhapatnam, as illegal and arbitrary.

In the order under appeal, the learned Single Judge took note of the submission, urged on behalf of the GVMC by Sri S. Lakshmi Narayana Reddy, learned Standing Counsel, that, on expiry of the lease period, an auction was held in which the petitioner participated; the petitioner had hitherto sub-let the subject shop to Sri T.M.V. Durga Prasad in the year 1995 who was, thereafter, in possession of the shop till the auction was held; both the petitioner and Sri T.M.V. Durga Prasad participated in the auction; while the petitioner offered Rs.21,900/-, Sri T.M.V. Durga Prasad offered Rs.23,900/-, and emerged as the highest bidder;

and the lease was granted in his favour with effect from 13.01.2016. The very fact that the appellant had also participated in the auction, and the lease was granted to the highest bidder, would justify denial of the relief sought for by him in the writ petition.

However Sri V.Y. Prabhuvu, learned counsel for the appellant, would contend that, though Sri T.M.V. Durga Prasad was the highest bidder in the auction, he had failed to pay the highest bid amount; and the GVMC, instead of cancelling the auction proceedings, was keeping the shop vacant. Sri S. Lakshmi Narayana Reddy, learned standing counsel for the GVMC, has placed before us a copy of the endorsement dated 13.01.2016, whereby the Standing Committee of the GVMC resolved to lease out the shop to Sri T.M.V. Durga Prasad on a monthly rent of Rs.23,900/- for a period of three (3) years. According to the learned standing counsel, Sri T.M.V. Durga Prasad has deposited six (6) months rent as advance; and he has been paying the prescribed monthly rent regularly.

Recording the aforesaid submission of Sri S. Lakshmi Narayana Reddy, learned standing counsel for GVMC, and as it is evident that the petitioner's contention that Sri T.M.V. Durga Prasad has not paid the bid amount is without basis, we see no reason to interfere with the order under appeal.

The Writ Appeal fails and is, accordingly, dismissed.
No costs.

As a sequel thereto, Miscellaneous Applications, if any,
pending in the writ appeal stand closed.

RAMESH RANGANATHAN, ACJ

A. SHANKAR NARAYANA, J

November 7, 2016.

PV/Mgr

