

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.9987 OF 2016

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ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring notice No.109/2012-A dated 04.02.2016 issued by the first respondent as illegal, arbitrary, discriminatory and contrary to the decision taken by the then Special Officer dated 30.06.2014 and set aside the same and consequentially direct the respondents to continue the petitioner as lessee for shop No.28 situated at Dr.Y.S.Rajasekhara Reddy Shopping Complex in Survey No.281/P, G.T. Road, Mangalagiri, Guntur District and pass appropriate orders.

Heard the learned counsel for the petitioner, the learned Government Pleader for Panchayat Raj and Rural Development (AP) and Sri Ravi Cheemalapati, the learned Standing Counsel for Z.P.P. – M.P.P.

The first respondent allotted the shop bearing No.28 to the petitioner on lease for a period of three years from 01.09.2007 on a monthly rent of Rs.690/-. As per the terms and conditions of the lease agreement, an option was given to the petitioner to extend the lease for a further period of five years with effect from 01.10.2010. As per the terms and conditions of the lease agreement, the petitioner is entitled to continue as lessee of Shop No.28 upto 30.09.2015. The first respondent issued a notice on 04.02.2016 directing the petitioner to surrender his shop and make payment of arrears of rent along with 12% interest per annum. The petitioner made a representation to the first respondent on 18.02.2016 requesting to extend the lease period. Feeling aggrieved by the order of the first respondent, the petitioner filed the present writ petition.

Learned counsel for the petitioner submitted that the petitioner

complied the order of this Court dated 01.04.2016. The contention of the learned counsel for the respondents is that the petitioner is not entitled to continue in Shop No.28 after expiry of the lease period. He further submitted that the petitioner can participate in the auction to be conducted by the first respondent.

Learned counsel for the petitioner submitted that the petitioner may be continued in the shop till completion of the auction. He further submitted that the subject matter involved in this writ petition is covered by the order of this Court in Writ Petition No.19320 of 2015 and batch dated 31.08.2015. For better appreciation, it is apposite to extract paragraph No.15 of the said order, which is as follows:

“It is open to the petitioners to participate in the public auction as and when such auction is conducted. However, having regard to the fact that petitioners are in occupation of the subject premises, until auction is conducted and new lessees are inducted into subject premises, petitioners shall be permitted to continue to remain in occupation of the shops on payment of enhanced rent of 35% on the existing rent payable and on clearance of all the rental amounts due. There shall be no order as to costs.”

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of in terms of the order dated 31.08.2015 in Writ Petition No.19320 of 2015 and batch. No costs.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 28.07.2016

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