

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.4240 of 2016

-
10.02.2016

Between:

Smt.M.Rajamma

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and another

.. Respondents

Counsel for the petitioner: Mr.V.Krishna Murthy

Counsel for respondent No.1: Assistant Government Pleader for
Municipal Administration and Urban Development (TS)

Counsel for respondent No.2:--

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of the respondents in not extending the benefit under Rule 12(e) of the Andhra Pradesh Municipalities (Regulation of Receipts and Expenditure) Rules, 1968, to the petitioner, by renewing her lease by increasing the rent by 33 1/3 %, as illegal and arbitrary.

The learned counsel for the petitioner has not disputed that his client along with fourteen others have filed W.P.No.8654 of 2012 feeling aggrieved by the eviction notices issued on 16.03.2012 and that the said writ petition was dismissed by this Court on 11.06.2015, with the observations that as the lease periods shall not be renewed beyond 25 years without conducting public auction, no *mandamus* could be issued in favour of the petitioners therein. Though, *prima facie*, it appears that the petitioner herein has not completed lease period for 25 years, the fact, however, remains that the finding rendered by this Court in the earlier writ petition binds her. Therefore, this Court cannot sit in review of the said order. On the facts of this case, the petitioner is left with two options, *viz.*, either to participate in the fresh auction or to avail the remedy of review of the order passed in the earlier writ petition.

The Writ Petition is, accordingly, dismissed, by permitting the petitioner to avail either of the two options as indicated above.

As a sequel to dismissal of the writ petition, W.P.M.P.No.5432 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

10th February, 2016

GHN

