

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.13227 of 2012

Order:

The petitioner claims to be a lessee of the first respondent in respect of the land of an extent of 1896 sq. meters on the beach road of Visakhapatnam given on lease for a period of nine years from 14.07.2009 to 13.07.2018 on a monthly rent of Rs.15,000/-, liable for enhancement at 33.33% after every three years. The petitioner states that he invested an amount of Rs.80,00,000/- for doing business and when the respondents 2 and 3 directed him to remove the structures he approached this Court in W.P.No.32024 of 2011 and this Court granted interim stay of demolition. However, it appears that the said Writ Petition was ultimately disposed of on 05.06.2015 giving liberty to the respondent Corporation to take appropriate action as per the terms and conditions of the agreement in case of any violations committed by the petitioner. However, the first respondent issued a notice on 21.03.2012 for cancellation of lease and the petitioner submitted his explanation on 09.04.2012. He filed the present Writ Petition alleging that the respondents are trying to remove the bore well contrary to the interim orders passed by this Court in W.P.M.P. No.39753 of 2011 in W.P. No.32024 of 2011 dated 07.12.2011.

This Court did not grant any interim order in the present Writ Petition. However, a counter affidavit is filed on behalf of the respondents admitting the lease in favour of the petitioner for a period of nine years from 14.07.2009 to 13.07.2018 pursuant to G.O.Rt.No.1779 dated 16.12.2008. It was also stated that a notice was issued on 21.03.2012 directing the petitioner to vacate the leased premises within one month as per condition No.15 of the lease agreement and the petitioner submitted an evasive reply on 09.04.2012 and in view of the pendency of

the Writ Petitions they could not take any further action. It is further stated that the entire beach road was developed under 'theme park project' except the leased premises of the petitioner and in view of pendency of the Writ Petitions the respondents are not in a position to take any action.

As stated above, the present Writ Petition was filed challenging the action of the respondents in removing the bore well situated in the leased premises of the petitioner. When the petitioner was asked to show the basis for such claim, no document is produced before this Court. The notice dated 21.03.2012 is not challenged in the present Writ Petition. However, the record shows that the said notice was issued directing the petitioner to vacate the premises within one month. The petitioner appears to have submitted an explanation on 09.04.2012. As stated above, this Court also disposed of W.P.No.32024 of 2011 enabling the respondents to take appropriate action as per the terms and conditions of the lease agreement.

In the circumstances and in view of the notice dated 21.03.2012 and explanation submitted by the petitioner on 09.04.2012, this Writ Petition is disposed of giving liberty to the respondents to consider the said explanation and pass appropriate orders in accordance with law. It is needless to observe that as and when the respondents pass any order, the same shall be communicated to the petitioner. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 01.11.2016
Nsr