

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.1998 OF 2015

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ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the fourth respondent in issuing the impugned proceedings vide Rc.No.109/2012-A, dated 30.06.2014 enhancing the lease amount from 200% to 400% of the existing lease amount contrary to guide lines issued by the Government in which the enhancement of lease amount is 33 ½ per cent of the existing lease amount.

Heard the learned counsel for the petitioners, 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 petitioners are the leaseholders of the shops situated in Y.S.Rajasekhar Reddy and Pathuri Nagabhushanam Shopping Complexes at Mangalagiri vide lease agreement dated 13.07.2006, which initially fixed for a period of three years and thereafter renewed for further period of five years i.e., ended by 30.06.2014. Thereafter, the petitioners made an application to the respondents for renewal of lease period for a further period of three years from 01.07.2014 to 30.06.2017 by enhancing the lease amount by 33 ½ per cent of the original lease amount. The fourth respondent issued proceedings dated 30.06.2014 directing them to pay the lease amount of Rs.4,000/- per month, which is enhanced from 200% to 400% of the original lease amount and further directed to deposit six months of the lease amount, which is contrary to the guidelines issued by the Government. Feeling aggrieved by the order of the fourth respondent, the petitioners filed the present writ petition.

The contention of the learned counsel for the respondents is

that the petitioners are not entitled to continue in shops after expiry of the lease period. He further submitted that the petitioners can participate in the auction to be conducted by the fourth respondent.

Learned counsel for the petitioners submitted that the petitioners may be continued in the shops 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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