

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.17156 OF 2016

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the 2nd respondent in dispossessing the petitioner from the canteen situated in first floor of Integrated Collectorate Complex, Sangareddy, Medak District, without looking into the fact that the petitioner is running the said canteen since 2011 without any complaint and serving the meals, tiffin, tea and coffee to the staff and to the individuals at the rate fixed by the 2nd respondent authority and the action of the 2nd respondent in seizing all the items from the petitioner's canteen by conducting panchanama dated 12.05.2016, as arbitrary and illegal and for a consequential direction to the 2nd respondent to restore the possession of the canteen in Integrated Collectorate Complex at Sangareddy, Medak District.

The case of the petitioner is that she was allotted space for running a canteen by the 2nd respondent in the month of May, 2011 in the first floor of the Integrated Collectorate Complex, Sangareddy, Medak District and thereafter, the petitioner spent a sum of Rs.6 lakhs for partition and arrangements for supplying food to the employees and also to the general public. While so, the 2nd respondent issued notice dated 25.04.2015, asking the petitioner to pay a sum of Rs.1,62,432/- towards rent for four years, calculating the rent @ Rs.3,384/- per month and also a sum of Rs.76,800/- towards electricity charges, totalling to a sum of Rs.2,39,232/-. There upon the petitioner submitted her representation stating that she is unable to pay those exorbitant

amounts. Again, the 2nd respondent issued notice dated 03.07.2015, demanding the petitioner to pay the rent and power supply charges totalling to Rs.2,39,232/- and thereafter the respondent officials dispossessed the petitioner seizing the items from the canteen by conducting 'panchanama' on 12.05.2016. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue submits that already canteen has been allotted to third parties since the petitioner was due an amount of Rs.2,39,232/- and that articles belonging to the petitioner's canteen were seized.

On the other hand petitioner's counsel disputes that petitioner is due any amount and seeks for return of the articles seized from the petitioner's canteen.

These are all the disputed questions of fact which cannot be decided in the writ petition. Accordingly, I do not see any merits in the writ petition. However, it is open for the petitioner to make representation before the 2nd respondent for return of the seized articles and it is for the 2nd respondent to pass appropriate orders in accordance with law.

Subject to above observation, the writ petition is dismissed.
No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

06.06.2016

Note: Issue C.C in three days

B/o.t k.