

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.28592 of 2016

ORDER:

Petitioner's grievance is that 4th respondent has sealed his shop in spite of the fact that on 06-11-2012 proceedings were issued allotting the shop in question to petitioner for a period of 5 years.

2. Sri N.Praveen Kumar, learned Standing Counsel for 4th respondent states that petitioner has been in possession of the shop in question for more than 25 years and there was a decision taken to repair the shop of the petitioner and then give it on lease after conducting public auction. He also pointed out that proceedings dt.06-11-2012 shows that allotment was only on monthly rental basis and although it mentioned that the lease period should be fixed for 5 years, there is no lease deed executed in favour of petitioner for that period till date.

3. Learned counsel for petitioner states that petitioner's stock is within the premises and since the shop was sealed while it was running, it would cause loss of employment to its employees and loss of livelihood to the petitioner.

4. From the material on record, it is clear that petitioner was allotted the shop in question on 06-11-2012 only on monthly rental basis. Though the said proceeding mentions that the lease period should be fixed for 5 years, there is no lease deed executed in favour of petitioner for the said period. Though learned counsel for

petitioner states that petitioner belongs to BC community and should be allowed to continue in possession on payment of enhanced rent at 33.31% excess over the subsisting rent, since according to 4th respondent, the petitioner had already enjoyed the premises for more than 25 years, and since the shop allotted to petitioner is said to be requiring repairs, and since 4th respondent intends to allot the shop by public auction to secure more revenue, I am not inclined to grant any relief to the petitioner in that regard.

5. However, since the allegation of petitioner is that the shop in question has been sealed with his stock within the premises, the 4th respondent shall open the seal to enable the petitioner to remove the stock within three (03) days from the date of receipt of a copy of this order. The petitioner shall remove the stock erected by him within the period of three (03) days from the opening of seal by 4th respondent and shall also file an undertaking to that effect before this Court.

6. The Writ Petition is disposed of with the above direction. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 29-08-2016
Vsv