

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

Writ Petition No.117 of 2013

Dated 27th January, 2016

Between:

Md.Javed

...Petitioner

And

The Government of A.P., rep.by its Secretary, Municipal Administration
Department, Secretariat, Hyderabad and others

...Respondents

Counsel for the petitioner: Sri Nambi Krishna

Counsel for respondent No.1: AGP for Municipal Administration

Counsel for respondent No.2: AGP for Revenue

Counsel for respondent No.3: Sri N.Praveen Kumar

The Court made the following:

ORDER:

The long standing grievance of the petitioner is that respondent No.3 has not been putting the shops in Municipal Shopping Complex, Gandhi Road, Sadashivpet, Medak District to public auction.

The sum and substance of the stand taken by respondent No.3 in the counter affidavit filed by its Commissioner is that as per the Standing Rules vide G.O.Ms.No.56, dated 05.02.2011, the shops can be leased out for a period of three years for the first time and that with an enhancement of 33.3% on the existing rent, the leases can be renewed for the next three years and also from time to time thereafter. It is further averred in the counter affidavit that through Council Resolution, dated 13.12.2012, the Special Officer has accorded permission for renewal of the lease for two more years from

21.10.2012 to 20.10.2014 by enhancing the existing rent at 33.3%.

At the hearing, the learned counsel representing Sri N.Praveen Kumar, learned Standing Counsel for Municipalities (TS), on instructions, submitted that the Municipal Council has not taken a decision as to whether the lease shall be renewed or the shops should be put to public auction in view of the prevailing election code and that respondent No.3 will hold a meeting in March, 2016 and pass appropriate resolution in terms of G.O.Ms.No.56, dated 05.02.2011.

In the light of the above facts and the submissions of the learned counsel, the writ petition is disposed of with the direction to respondent No.3 to take a decision before 31.03.2016 as to whether it proposes to continue the existing lessees by enhancing the existing rent by 33.3% or to put the shops to auction as per G.O.Ms.No.56, dated 05.02.2011.

As a sequel to disposal of the writ petition, WP.M.P.No.166 of 2013 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

27th January, 2016
VGB