

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

WRIT PETITION No.1697 of 2016

-
21.01.2016

Between:

Matta Satyananda Rao

.. Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.V.Y.Prabhuvu

Counsel for respondent No.1: Government Pleader
for Municipal Administration and Urban Development (AP)

Counsel for respondent Nos.2 and 3: --

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent Nos.2 and 3 in seeking to dispossess the petitioner from shop No.1 of Seethammadhara (old) Shopping Complex, Greater Visakhapatnam Municipal Corporation (GVMC), Visakhapatnam, as illegal and arbitrary.

The petitioner pleaded that on 20.03.1988, he was given lease of the aforesaid shop by respondent No.2, that since then he has been running business in rice in the said shop, that in the auction held on 24.11.2015, the petitioner has participated and that without granting fresh lease in favour of the petitioner, respondent No.2 is trying to dispossess him from the aforesaid shop.

Mr.S.Lakshmi Narayana Reddy, learned standing counsel for GVMC appearing for respondent Nos.2 and 3, on instructions, submitted that the petitioner has sublet the shop in question to one T.M.V.Durga Prasad in the year 1995 and since then he has been in possession of the said shop, that a fresh auction notification was issued on 13.11.2015, that in pursuance thereof, auction was held on 24.11.2015, in which, the petitioner as well as the said Durga Prasad have participated, that while the petitioner has offered Rs.21,900/-, the said Durga Prasad has offered Rs.23,900/- and that as the latter has emerged as the highest bidder for the shop in question, lease was granted in his favour with effect from 13.01.2016.

The above submissions of the learned standing counsel for GVMC appearing for respondent Nos.2 and 3 have not been disputed by the learned counsel for the petitioner. As the petitioner has allegedly sublet the shop in question in the year 1995 itself, evidently, he is out of possession of the same since then. Moreover, as the petitioner has failed to offer the highest bid in the auction held on

24.11.2015, respondent No.2 has accepted the highest bid of Durga Prasad, who was allegedly inducted by the petitioner himself as sub-lessee.

In the above facts and circumstances of the case, I do not find any merit in the Writ Petition and the same is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.2136 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

21st January, 2016

GHN