

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18347 of 2016

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Municipal Administration and Sri S.Laxminarayana Reddy, learned Standing Counsel for Greater Visakhapatnam Municipal Corporation, Visakhapatnam. With the consent of both the parties, the Writ Petition is being disposed of at the stage of admission.

Challenging the eviction notice vide Rc.No.378/2016/A1/Zone-III, dated 31.05.2016 issued by the 3rd respondent, the present Writ Petition came to be filed.

The learned counsel for the petitioner submits that the impugned action is illegal for the reason that though the lease period expired in the month of February, 2015 the petitioner has been in possession of the property and the respondent authorities have been accepting the rents. He further submits that the petitioner made representation for extension of lease, but without considering the said representation, the 3rd respondent issued an eviction notice directing the petitioner to vacate the site within 7 days from the date of receipt of the notice.

The same is opposed by the learned Standing Counsel for Greater Visakhapatnam Municipal Corporation stating that enough time has been granted to the petitioner to vacate the premises, but inspite of the same, the petitioner has not vacated the premises. He submits that the premises in question is required to the Municipal Authorities for the purpose of constructing a complex.

It is to be noted that the petitioner has taken the said premises on lease for a period of three years i.e., from 01.03.2012 to 28.02.2015. Since the respondents were not putting the said premises to use they are allowed the petitioner to be in possession till date. Since the premises is in need, they issued the impugned notice. Further, condition No.23 of the lease agreement entered into between the petitioner and respondent authorities clearly states that on termination of expiry of lease, the lessee shall handover the premises to the lessor with all its fixtures and additions. In view of the above, the claim of the petitioner that issuance of notice of eviction is illegal and incorrect, cannot be accepted. At this stage, the learned counsel for the petitioner submits that some time may be granted to the petitioner to vacate the premises. Though the learned standing counsel for the respondent objects to the same, but however submits that a reasonable time may be given to vacate the premises and

that the petitioner should clear all the dues before leaving the premises including the rent.

Without going into the merits of the case and having regard to the oral undertaking given by the counsel for the petitioner with regard to vacating the premises, the Writ Petition is disposed of directing the petitioner to vacate the premises within a period of three months from today, by clearing all the dues and rents before leaving the premises. Further, the petitioner shall also give an undertaking before the Zonal Commissioner, Zone III, Greater Visakhapatnam Municipal Corporation, Visakhapatnam, within 10 (ten) days from today to that effect. No order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

10.06.2016.
Msr

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