

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P. Nos.10744; 10776; 10779; 10851 & 10854 of 2016

COMMON ORDER:

Since all these Writ Petitions are filed questioning the advance notice dated 18.03.2016 issued by the 3rd respondent-Panchayat Secretary, Gram Panchayat, Kalluru Village, they are being disposed of by way of this common order.

The purport of the notice to the effect that an advance notice issued to the petitioners putting them on notice that their lease expires on 31.03.2016 and as such they are required to vacate the premises.

Learned counsel Sri Srikanth Hariharan, appearing on behalf of Sri V. Hari Haran, learned counsel for the petitioners submits that in terms of the Lease Agreement dated 19.06.2010, in particular in terms of the Clause-8 of the Lease Agreement, the petitioners are entitled for renewal of lease for a further period of five years.

On the other hand the writ petitions are resisted by the learned standing counsel appearing for the Gram Panchayat.

Having considered the lease agreement, it is evident from Clause-8 of the Lease Agreement that initially the lease, which has been granted to the petitioners, is for a period of five years i.e., from 2010 to 2015 with yearly increase of rent by 10%. Though the learned counsel for the petitioners had offered to increase the lease rent by 50% from the existing lease rent, in the absence of vested right in the petitioners, the right of the Gram Panchayat to put the property to auction, which may fetch higher amount, cannot be jeopardized. The clause-8 of the agreement, in which reliance has been placed, cannot be read as a right of renewal. What all Clause-8 of the lease agreement states is that after completion of 5 years the lease agreement would be subject to the Gram panchayat Rules. However,

considering the fact, as on date no auction date has been notified, and till such time the public auction is conducted with respect to the properties, the petitioners shall be allowed to continue in their respective shops and the petitioners are also at liberty to participate in the auction as and when the same is conducted.

Accordingly, the Writ Petitions are disposed of. There shall be no order as to costs. Miscellaneous petitions pending consideration, if any, shall stand closed in consequence.

CHALLA KODANDA RAM, J.

Date: 01.04.2016.
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