

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8299 OF 2016

ORDER

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in issuing the Notice vide proceedings R.O.C.No.540/2015/A1, dated 17.02.2016 directing the petitioner to hand over the key to the 3rd respondent and consequently the 3rd respondent locking the Shop No.5 as illegal, improper, unjust, arbitrary and contrary to law and further direct the

2nd respondent to continue the Petitioner in respect of the Shop No.5, Municipal Shopping Complex, Gooty R.S, Gooty, Anantapur District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

It is however noticed that the impugned notice dated 17.02.2016 was issued by the respondent Municipality in consequence to the order dated 06.01.2016 passed by this Court in W.P.No.554 of 2016. In terms of the said order, if the Municipality, for any reason, decided not to remove the existing shopping complex and reconstruct and sought to re-auction the shops as presently existing, a preferential right was given to the petitioners therein to seek extension of their leases upon enhanced rentals. Conversely, if the Municipality decided to remove the existing shops and reconstruct the same, the petitioners therein were directed to handover the vacant possession of the shops within one month from the date of the order.

Sri Md. Saleem, learned Standing Counsel for the second respondent Municipality, would assert that the Municipality is still desirous of demolishing the existing shops and reconstructing the same.

That being so, this Court finds no reason to interfere with the impugned notice.

The writ petition is therefore closed. The respondent Municipality shall abide by the order dated 06.01.2016 passed in W.P.No.554 of 2016.

Pending miscellaneous petitions, if any, shall also stand closed.
No order as to costs.

SANJAY KUMAR, J

15th March, 2016
PGS