

THE HON' BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35622 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare notice, dated 06.07.2016, issued by the 5th respondent directing the petitioner to vacate the house bearing D.No.23/ 627, Chinna Bazar, Nellore, SPSR Nellore District, on completion of lease period by 30.09.2016 and the consequential public auction notice issued by the 5th respondent, dated 17.10.2016, as illegal and arbitrary, and consequently, direct the respondents to extend the lease hold rights of the petitioner.

Heard and perused the material available on record.

The case of the petitioner is that the 5th respondent is the owner of the above said house and the same was leased out to the mother of the petitioner 67 years back and the said lease is extended from time to time. The petitioner's mother spent sufficient amount for effecting repairs to the said house. The initial rent was at Rs.12/ - p.m., and the same was enhanced from time to time. After the death of his mother also, the petitioner is continuing in the said house and recently the respondents have got issued legal notice, dated 06.07.2016, to the petitioner stating that the lease is going to be expired on 30.09.2016 and to vacate the house and hand it over to the 5th respondent. The main grievance of the petitioner is that even though he approached the 5th respondent and requested to continue him in the said house, the respondents without considering his request, got issued the impugned auction notice.

Learned Assistant Government Pleader for Endowments submitted that the lease period of the petitioner was expired on 30.09.2016 and hence, the auction notice was issued and the petitioner can participate in the auction.

In view of the submissions of the learned Assistant Government Pleader for Endowments, this Court is not inclined to grant the relief sought for by the petitioner.

Hence, the Writ Petition is dismissed. However, it is left open to the petitioner to participate in the auction, if he so desires. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

October 21, 2016
KTL

RAJA ELANGO, J

