

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.37974 OF 2016

Dated:16.11.2016

Between:

Balimidi Raja Sekhar, S/o.Lata Rajanna,
Aged about 66 year, Shop No.49,
Municipal Shopping Complex,
Near to Old Bus Stand, Proddatur
Town & Mandal, Kadapa District and others .. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Municipal Administration
And Urban Development Department,
Secretariat Buildings, Hyderabad and others .. Respondents



The Court made the following:

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ORDER:

All the petitioners are the lessees of shops belonging to the respondent - Proddatur Municipality. This Writ Petition is instituted alleging that the respondent – Municipality is trying to demolish the shops occupied by the petitioners without following the due process and in ignorance of the lease granted to them.

2. When the matter is taken up for consideration, learned Standing Counsel for Proddatur Municipality, on instructions, submits that the respondent – Municipality has taken a decision to demolish the old shops and to construct a modern complex. He further submits that the petitioners have completed 25 years of lease by 31.03.2016 and they were also served notices informing that they should vacate the premises as the said premises is required for demolition and for construction of a new complex.

3. Since the petitioners have completed more than 25 years of lease and there is no subsisting lease in their favour, this Court is not inclined to grant the prayer as sought for by the petitioners in this Writ Petition. At this stage, the petitioners sought for some time to vacate the subject premises. Accordingly, today, the petitioners have filed affidavits giving an undertaking that they would vacate the subject premises occupied by them within three months and they may be allowed to continue for the next three months or till alternative arrangements are made by them.

4. Learned Standing Counsel would submit that so far rents are not paid by the petitioners. He would further submit that the Municipality is in urgent need to take steps to demolish and undertake construction and the time sought by the petitioners is unreasonable.

5. Considering the fact that the petitioners are in occupation of the subject shops for a long time, I am of the opinion that three months time as sought for by the petitioners is reasonable.

6. Having regard to the specific undertaking of the petitioners that they would vacate the subject premises within three months from 16.11.2016, the time as sought for by them is granted subject, of course, to clearance of arrears of rents due to the Municipality within four weeks from today. If the petitioners do not vacate the subject premises within the time, as per their undertaking and also fail to pay the arrears of rents due, it is open to the respondent - Municipality to take coercive steps against them without further notice. The petitioners are directed to continue to pay the rents for the remaining period of their occupation.

7. With the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date: 16.11.2016

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