

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.35982 OF 2016

ORDER:

The writ petition is filed challenging the proceedings in ROC.No.1446/95/A1, dated 15.10.2016, issued by the respondent Municipal Council, which was published in Andhra Jyothi of Guntur Edition on 18.10.2016, proposing to auction the leasehold rights of the shops in possession of the petitioners.

It is the case of the petitioners that by proceedings, dated 21.10.2005, of the then Commissioner of the respondent Municipal Council, they were allotted the subject shops on lease and, since then, they have been in continuous possession of the same by paying monthly rents regularly. The grievance of the petitioners is that at the time of allotment of shops in their favour, they were informed that the lease would be for a period of 20 years, but despite the same, the respondent issued the impugned proceedings stating that the lease would be expired by 31.10.2016. Hence, this writ petition.

Heard learned counsel for the petitioners and the learned Standing Counsel appearing for the respondent.

Admittedly, the petitioners are in possession of the subject shops. Though they contend that the lease granted in their favour was for a period of 20 years, there is no evidence placed before this Court in proof of the same. In such circumstances, it would be appropriate to dispose of the writ petition with the following directions:

The auction proposed to be held pursuant to the impugned proceedings may go on. The petitioners are also entitled to participate in the auction and they shall not be evicted till finalisation of the auction

proceedings. In the event the petitioners not being emerged as successful bidders, they shall be given 30 days' time for vacating the subject shops and the auction deposit, which the petitioners claim to have made in the context of earlier auction, shall also be refunded, if they are entitled subject to the scheme under which they were granted lease in the year 2004.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Dated: 25.10.2016
v v

CHALLA KODANDA RAM, J



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Date:25.10.2016