

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20696 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action of the 2nd respondent in threatening the petitioner to forcefully evict from Shop No.1 of Naaz shopping complex, as illegal and arbitrary and to direct the 2nd respondent to fix reasonable rent for the said shop by taking into consideration the rents of Shop Nos.9, 10 and 11 of the same Shopping complex.

Heard and perused the material available on record.

The petitioner is the tenant of shop No.1 of Naaz shopping Complex, Guntur, which was constructed and owned by the 2nd respondent Municipal Corporation. Initially, the rent for the said shop was Rs.1,930/- per month and it was enhanced from time to time. In the year 2009, the 2nd respondent allotted Shop Nos.9, 10 and 11 for lesser rent since there was no demand for the shop. At that time the petitioner used to pay Rs.14,928/- per month. Therefore, the petitioner and the tenants of the other shops made a representation to the 2nd respondent requesting to reduce the rental amount. But, the 2nd respondent did not pass any orders on the said representation. While so, the 2nd respondent issued proceedings, dated 12.02.2016, enhancing rent at 33 1/3% for every three years, to the petitioner directing him to enter into lease agreement within 15 days from the date of receipt of those proceedings. Therefore, the petitioner and the tenants of other shops approached this Court challenging the said proceedings and the same is pending. In the meantime, the officials of the 2nd respondent are

insisting the petitioner to pay higher rents otherwise they will evict the petitioner forcefully. Hence, this writ petition.

Learned counsel for the petitioner submitted that the petitioner along with other tenants has made representation to the 2nd respondent to reduce the rents, but without considering the same, the 2nd respondent has enhanced the rent for the shop of the petitioner and also insisting the petitioner to enter into the lease agreement.

Learned Standing Counsel for the 2nd respondent submitted that the 2nd respondent will consider the representation of the petitioner.

Considering the submissions of the learned counsel for both sides, without expressing any opinion on merits, this Court is of the view that the writ petition can be disposed of with a direction to the 2nd respondent to pass appropriate orders on the representation made by the petitioner.

Accordingly, the Writ Petition is disposed of directing the 2nd respondent to consider representation, dated 05.03.2016, made by the petitioner, and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. Till decision is taken on the representation of the petitioner, the respondents are directed not to interfere with the possession of the petitioner over the said shop and not to demand the enhanced rent.

No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

June 27, 2017
KTL