

**HONOURABLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No.12698 of 2017**

**ORDER:**

The Writ Petition is filed questioning the advance notice dated 29.03.2017 asking petitioner to vacate the premises occupied by him as it is required for further development of respondent No.3 - Temple, despite lease having been granted expired long back, he is clinching thereupon.

Learned counsel for the petitioner contends that quit notice has been given to the petitioner unjustly ignoring the fact that adjacent property is sought to be auctioned by respondent No.3 – Temple; as a matter of fact, petitioner is entitled for extension of lease on payment of enhanced rent at 33%; petitioner made an application, under Section 93(1) of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act 30 of 1987), to the Government which is pending consideration; he states that there is no master plan with respect to the alleged development; and, only to throw the petitioner from the subject premises, such method has been adopted as the petitioner had, on earlier occasion, given an undertaking to the effect that, if really the premises is required by respondent No.3 - Temple for the development, he would certainly vacate and handover vacant possession.

A detailed counter affidavit is filed by respondent No.3 - Temple asserting that the original lease granted in favour of

the petitioner expired on 30.06.2010; the petitioner made a representation for extending lease, which was forwarded to respondent No.2 – Commissioner; and, in anticipation of sanction from respondent No.2, lease was extended on enhanced rent of 33% p.a. In the counter, it is admitted that the petitioner filed an application before the Government under Section 93 of the Act and, the communication having been received to maintain *status quo*, the Commissioner had directed to take necessary action to evict the petitioner; thereby, the petitioner filed W.P.No.17915 of 2012 and the same was withdrawn; later the application filed by the petitioner seeking extension of lease has not been considered on account of the fact that the area in occupation of the petitioner is required for development and to ease conjunction in the premises; and, inasmuch as lease/licence granted in favour of the petitioner expired long back, he has no right to continue.

Having considered the respective submissions, the fact that the petitioner was granted licence (wrongfully termed as lease) to establish a shop for selling certain articles is not in dispute. It is also not in dispute that the licence granted in favour of the petitioner expired on 30.06.2010. It is also not in dispute that the licence granted in favour of the petitioner was not extended, but respondents accepted lease on enhanced rate of 33% p.a. However, as on date, respondent No.3 - Temple clearly issued notice to the petitioner to vacate

the subject premises and, thereby, making it clear not to grant further extension. In those circumstances, the petitioner, having no vested right, cannot seek a mandamus to respondents either to extend lease or allow him to continue till the developmental works are actually taken up. Considering the submission made by the learned counsel for the petitioner that, if some time is granted, petitioner would vacate the premises and handover vacant possession, learned counsel for the respondent No.3 – Temple submits that a reasonable time of two months may be granted.

In the circumstances, taking into consideration the respective submissions, the petitioner is directed to vacate the subject premises by 30.06.2017 and, subject to the petitioner filing an undertaking before respondent No.3 - Temple to that effect, there shall be a direction to respondent No.3 - Temple to permit him to carry on business till such time.

Subject to the above observations, the Writ Petition is disposed of.

Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

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**CHALLA KODANDA RAM,J**

Date: 17.04.2017  
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