

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11357 OF 2017

ORDER:

This Writ Petition is filed questioning the inaction on the part of the respondent authorities in considering the representation dated 01.03.2017 submitted by the petitioner for change of name in lease agreement and extension of lease renewal period for the Shop No.3, situated at Old Panchayat Office, Ichapuram.

The case of the petitioner is that he is the lessee of the Shop No.3 situated near old Panchayat Office, Ichapuram Village and Mandal, since long time. Originally, 25 years back his father was leased out the property by the 3rd respondent-Municipality and on 27.09.2016 his father died, during the subsistence of the lease, and presently the petitioner is carrying on the business in the subject premises by paying rents regularly to the 3rd respondent-Municipality. It is further submitted that the petitioner made representations dated 01.03.2017 seeking to change the name in lease agreement, but the same were not considered and now the impugned notice dated 06.01.2017 has been issued to the petitioner to vacate the premises by 31.03.2017. Petitioner also submits that his application for renewal dated 01.03.2017 is also pending with the 3rd respondent.

Learned standing counsel on instructions submits that the petitioner was not the lessee and the petitioner and his family members have been continuing from the last 25 years in the said premises. They have no right to continue and admittedly the lease period will be expired on 31.03.2017 and for that reason only to

enable the petitioner to find an alternative accommodation, Notice dated 06.01.2017 was issued much in advance to the petitioner.

Having considered the respective submissions and admittedly there being no vested right in the petitioner to continue beyond the lease period, there cannot be any writ of mandamus directing the respondents to allow the petitioner to continue in the premises. However, considering the fact that as of date no notice has been issued to conduct public auction and the lease of the subject premises is required to be given through public auction only, the petitioner shall be allowed to continue in the subject premises till the public auction is granted. Liberty is granted to the petitioner to participate in the public auction and if emerges as successful bidder, he shall be entitled to continue in subject premises subject to the terms of auction.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, the Miscellaneous Petitions, if any pending, shall also stand closed.

CHALLA KODANDA RAM, J

Date:30.03.2017.
Ssv