

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7892 OF 2012

O R D E R :

The case of the petitioners is that they are the permanent residents of V.Kota Village and eking out their livelihood by doing petty business viz., vegetable shops, barber shop, cool drink shops, watch repairing shops, electrical shops, chappal shops etc. The respondents constructed shop Nos.14, 15, 17 in the year 1991 and the said shops were given on lease to the petitioner Nos.14, 15, 16, 17, 18 in the year 1991. In the year 2005, the respondents leased out shop Nos.19 to 34 to petitioner Nos.19 to 34 and in the year 2006 the respondents constructed shop Nos.1 to 13 and 35 to 40 and leased out the said rooms to petitioner Nos.1 to 13 and 35 to 40 and petitioners are in continuous possession and occupation of their respective shops for the past 6 to 22 years. The rent has been enhanced from time to time, and at present, the rent ranges from Rs.600/- to Rs.2,500/- per month and as on date all most all the petitioners have paid their respective rents up to date i.e., 31.03.2012. While the things stood thus, the respondents enhanced the rent by 30%, orally, in the month of April, 2011 and petitioners accepted the same believing the assurance given by the respondents that the lease will be in force for three years from April, 2011, and paid enhanced rate of rent. While so, when the 3rd respondent tried to evict the petitioners, the petitioners filed the present writ petition challenging the action

of the respondents in dispossessing/evicting the petitioners from their respective shops, situated at Panchayat Shopping Complex, Main road, V.Kota and in conducting auction of the said shops.

This Court granted *Status quo* with regard to possession of the shops on 21.03.2012 and the same was extended only upto 03.10.2012

Heard learned counsel for the petitioners.

Sri G.Seshadri, learned counsel appearing for the 1st respondent submits that because of pendency of this writ petition, petitioners could not be evicted.

The grievance of the petitioners is that believing the assurance given by the respondents that the lease will be in force for three years from 01.04.2011, the petitioners enhanced the rent by 30% from April-2011. But, before expiry of that three years period, respondents tried to evict the petitioners. By virtue of interim orders granted by this Court on 21.03.2012, the petitioners continued their business in the subject shops. But, the said interim order was extended only upto 03.10.2012. Thereafter, it is not known why the 1st respondent has not taken any steps for evicting the petitioners from the subject shops. But, the petitioners by virtue of the said interim orders continued their business beyond the period of three years from April-2011. As such, the grievance of the petitioners stood

redressed by operation of the interim order and nothing survives for adjudication in this writ petition.

Accordingly, the writ petition is dismissed. It is open for the 1st respondent to take steps for auctioning the subject shops by evicting the petitioners. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

06.06.2017
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A.RAJASHEKER REDDY, J

