

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 11001 OF 2017

ORDER :

The auction notice dated 04.03.2017 issued by the 3rd respondent Devasthanam is under challenge in this Writ Petition.

The case of the petitioner, as vehemently argued by his counsel Sri V. Sudhakar Reddy, is that she originally had taken on lease the vacant site of Omkar Matt situated at a distance of 200 meters on the Southern side of Sri Kalahasteswara Swami Vari Devasthanam, Srikalahasthi, for establishing a bunk with an understanding that the same would be for a period of three years, up to 31.10.2017. Accordingly, she has been paying rents at the agreed rate without there being any default. Contrary to the same, now the site where the petitioner has set up the bunk is sought to be auctioned through the notice dated 04.03.2017.

Learned Standing Counsel Sri A. Srikanth Reddy appearing for the 3rd respondent Devasthanam places on record the letter dated 03.03.2017 addressed by the petitioner to the 3rd respondent Devasthanam, requesting to extend the lease, which is subsisting till 31.03.2017, by a further three years and argues that the said letter, by itself, would go to show that the contention of the learned counsel for the petitioner that the original lease was from 22.10.2014 till 22.10.2017 is false. The learned Standing Counsel further places on record the minutes of the resolution recorded on 22.10.2014, wherein it has been mentioned that the lease period is from 01.11.2014 to 31.03.2017 i.e. for a period of two years five months.

The fact that the petitioner has taken on lease the vacant site of the 3rd respondent Devasthanam is not in dispute. No

material is placed on record by the petitioner to show that she was granted lease for a period of three years. Though the learned counsel for the petitioner feebly disputes the letter dated 03.03.2017, considering the original record of Omkar Matt evidencing the fact that the lease was only for a period of two years five months, this Court does not see any reason to interfere with the auction notice.

However, considering the submission of the learned counsel for the petitioner that the petitioner with a hope to succeed in the Writ Petition, did not make any alternative arrangements, interests of justice require one more month time to be given to the petitioner to vacate the premises, subject to payment of the existing rent for the extended period as well.

The Writ Petition is therefore, disposed of. No costs.

Consequently, the miscellaneous Applications, if any are also disposed of.

CHALLA KODANDA RAM, J

30th March 2017

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