

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9422 of 2017

ORDER:

This writ petition is filed challenging the separate impugned order dated 10-02-2017 against the petitioners under Section 5 of the Andhra Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 1968 (for short "the Act") directing eviction of the petitioners from the subject premises.

Learned counsel for the petitioners submit that the petitioners were issued notices on 03-12-2016 and eviction order was passed on 30-12-2016 under Section 5 of the Act and the petitioners approached the appellate Court under Section 9 of the Act before the appellate authority and stay order was granted on 27-01-2017. Later eviction proceedings dated 30-12-2016 were withdrawn by a letter, dated 09-02-2017. On the next day, i.e. 10-02-2017, the present impugned orders are passed under Section 5 of the Act without giving opportunity.

On the other hand, learned Assistant Government Pleader for Revenue submits that the petitioners are due amounts towards lease and towards amenities i.e. electricity and other charges. As such, after following procedure, the impugned orders are issued to comply with the order passed by this Court in WP.No.43115 of 2016 and after considering the explanation of the petitioners.

On other hand, learned Standing Counsel appearing for the 3rd respondent submits that though the petitioners have challenged the notices dated 03-12-2016 in WP.NO.43115 of 2016, no stay was granted and this Court directed the authorities to consider the representations and pass orders. In compliance of the same, the present impugned orders are passed. She also submits that the petitioners have to pay arrears of rent and electricity and other amenities charges. Without paying the same, one of the petitioners filed civil suit in O.S.No.165 of 2016 and I.A. 329 of 2016 for grant of injunction on the file of Additional Junior Civil Judge, Kukatpally at Miyapur, Ranga Reddy District and the same was dismissed on 15-12-2016. The petitioners instead of paying rents are in the habit of filing writ petition after writ petition. It is also submitted that lease in favour of the petitioners expired in the year May, 2015 and though this Court passed interim orders in WP.No.12594 of 2015 for payment of arrears towards amenities and also arrears of rent, the petitioners have not even deposited the admitted amounts.

Learned counsel for the petitioners as well as learned Standing Counsel state that one of the petitioners approached Civil Court in O.S.No.165 of 2016 and I.A. filed in it was dismissed on 15-12-2016. It is also not in dispute that the petitioners have not paid the admitted amounts as on today and lease expired by May, 2015. It is also not in dispute that

different premises were allotted to the petitioners and different eviction orders were passed. It is not known how single writ petition is maintainable against different eviction orders passed against petitioners in respect of different premises. It is not stated in the writ affidavit what is common cause of action for all the writ petitioners to maintain single writ petition. It is also not disputed that the petitioners have alternative remedy under Section 9 of the Act for challenging the impugned orders.

In view of the same, this writ petition is liable to be dismissed. Even the conduct of the petitioners also does not entitle them to invoke extraordinary equitable jurisdiction under Article 226 of Constitution.

In view of above facts and circumstances of the case, I do not see any merit in the writ petition and accordingly the same is dismissed with exemplary costs of Rs.10,000/- each to be paid by the petitioners. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

23-03-2017
Nvl

