

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.27098 OF 2011

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the action of the first respondent in not following process of law in leasing out the Room No.19, New Block, Tadipatri Bus Stop, Old Town, Anantapur, to second respondent under its proceedings Rc.No.238/2010/A1, dated 17.08.2011 in pursuance of Resolution dated 30.07.2011 passed by the Municipal Corporation of Anantapur, without issuing notice for cancellation of petitioner's lease agreement and without cancelling earlier lease agreement which has been in effect, as illegal and arbitrary, and consequently direct the first respondent to continue the petitioner as tenant for Shop No.19, First Floor, New Block, Tadipatri Bus Stop, Old Town, Anantapur, by setting aside the proceedings Rc.No.238/2010/A1, dated 17.08.2011 passed by Municipal Corporation of Anantapur.

Heard and perused the material.

Learned counsel for the petitioner submits that without cancelling the earlier lease of the petitioner for shop No.19, First Floor, New Block, Tadipatri Bus Stop, Old Town, Anantapur, which is in subsistence, the first respondent allotted the said shop to the second respondent by proceedings bearing Rc.No.238/2010/A1, dated 17.08.2011, without following due procedure, which is not permissible in law. Hence, he prays this Court to direct the first respondent to continue the lease of the petitioner herein.

Considering the facts and circumstances of the case, the writ petition is disposed of with an observation that if the first respondent intends to evict the petitioner from Shop No.19, First Floor, New Block, Tadipatri Bus Stop, Old Town, Anantapur, the first respondent has to

conduct fresh auction for occupation of the said shop and that the petitioner is also permitted to participate in the auction.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

25.01.2017
pln

