

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.2242 OF 2010

ORDER:

Even according to the petitioner, they were allotted a plot by the Nalgonda Municipality for a period of twenty five years on which a shop was constructed. A long term lease of twenty five years is said to have been given to the petitioner in the year 1971, which period expired in 1996. Thereafter the petitioner's lease was, periodically, extended till 2009. On the ground that the lease was not renewed thereafter, and they were asked to vacate the premises, the petitioner invoked the jurisdiction of this Court under Article 226 of the Constitution of India.

As has been held by the Division bench of this Court in **B. Krishna Reddy v. The Government of A.P. rep., by its Principal Secretary**¹, the Municipality may not propose or recommend, nor can the State Government accord sanction, for renewal of a lease of a Municipal property, beyond a period of twenty five years without conducting public auction; G.O.Ms. No.1044 dated 18.12.1978 did not spell out any reasons why the transparent process of public auction was eschewed while renewing the lease for twenty five years; and the availability of a statutory discretion cannot be a façade to channelise public power to confer patronage.

In view of the law laid down by the Division bench, in the aforesaid judgment, lease of property, belonging to municipalities, cannot be extended beyond a total period of twenty five years. The petitioner cannot, therefore, claim, as of right, that they should continue to be extended the benefit of lease, periodically, even after

¹ (Order in W.P. No.6354 of 2009 dated 25.08.2009)

expiry of the original twenty five year lease period. The Writ Petition, as filed, is wholly misconceived.

Following the judgment of the Division bench in **B. Krishna Reddy¹** the Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 27.10.2017
MRKR

