

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

WRIT APPEAL No.205 of 2017

Between:

1. Smt. Eniganti Padama and others.

PETITIONERS

And

1. The District Collector (P.R) Wing, Karimnagar District, Karimnagar,
and others.

RESPONSENTS



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

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JUDGMENT: (Per Hon'ble Sri Justice V. Ramasubramanian)

Aggrieved by the decision of the Gram Panchayat to put up for auction the petty shops located inside the Panchayat, the petitioners filed a writ petition, but the same was dismissed by the learned Judge. Aggrieved by the order of dismissal, the petitioners have come up with this Intra Court Appeal.

2. The main ground on which the petitioners challenge the action of the Gram Panchayat are (1) that with the permission of the Gram Panchayat they constructed shops in the year 2001 at their own cost and hence until the return on investment is taken, they should not be thrown out; and (2) that when they have been paying monthly rents promptly, it is not fair on the part of the Gram Panchayat to throw them out.

3. But a careful look at the resolution passed way back in 2001 would show that the petitioners were occupying a vacant market place and doing petty business for 10 years before 2001. In order to get income for the Gram Panchayat, a resolution was passed on 13.07.2001 permitting the petitioners to put up constructions and to take them on lease.

4. In other words until 2001, the petitioners have occupied a vacant market place and enjoyed the same for about 10 years without giving any income to the Gram Panchayat. In 2001 they were permitted to put up constructions and enjoy the same on lease. Now a period of 16 years have elapsed. Therefore the appellants cannot ask for more and the learned Judge was right in rejecting the writ petition.

5. It will be open to the appellants to participate in the auction and if the petitioners became the highest bidders their leases shall be continued as per the terms and conditions of the auction. Accordingly the writ petition is dismissed.

6. As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE J. UMA DEVI

22nd February, 2017
Js.



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Date: 22-02-2017

Js.