

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.26803 OF 2017

Date: 09.08.2017

Between:

Dasari Mohan Rao s/o Rangaiah, Aged about 38 years,
Occu: Business, r/o. Nernurru Village, Guduru Mandal,
SPSR Nellore District, A.P.

.... Petitioner

And

The State of Andhra Pradesh, rep.by its Prl.Secretary to
Revenue Department, Secretariat Building, Velagapudi,
Amaravathi, Guntur District, A.P. and others.

.... Respondents



The Court made the following:

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ORDER:

Petitioner claims to be the retail outlet and shop dealer. Pursuant to the license granted to him to run the retail outlet for the period from 01.07.2017 to 30.06.2019, he has established the retail outlet in the land to an extent of Ac.7.62 cents in Sy.No.623 of Varagali village, H/o Momidi village, Chilakuru Mandal. Having come to know that such outlet was established in a Government land, petitioner was issued notice dated 02.08.2017, directing him to vacate the subject premises. Challenging the said notice, this writ petition is filed.

2. Learned counsel for petitioner do not dispute that the subject land is a Government land. He sought to contend that an agreement was entered with the another person, who claimed himself as owner of the said land and *bona fidely* believing the said version, land was taken on lease and construction was made. Learned counsel for petitioner submits that petitioner is willing to pay whatever the rent as determined by the Government.

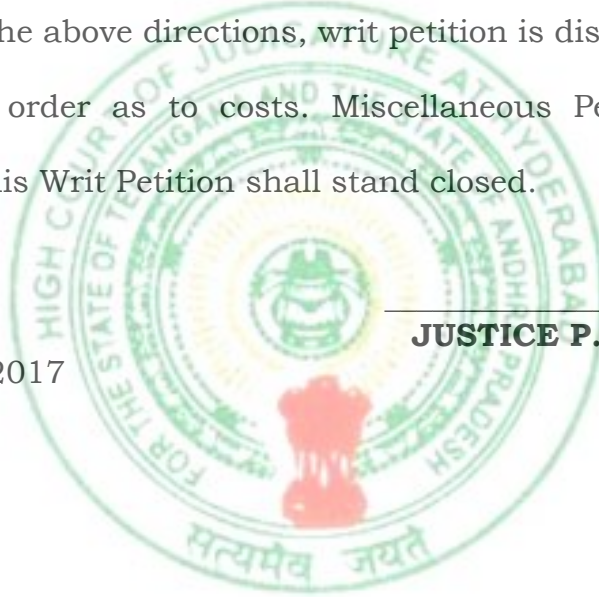
3. Since the subject land is a Government land, question of petitioner constructing a building and occupying in the said property without permission of the Government is not valid and, therefore, no direction for further continuation can be granted, even assuming that petitioner is willing to pay the rent. However, having regard to the fact that already construction was made and retail outlet was established, petitioner is granted upper limit of 31.10.2017 for re-locating the retail outlet subject to petitioner

paying an amount of 5,000/- (Rupees five thousand only) as lease amount per month for the next three months i.e., August, September and October, 2017. The Tahsildar is directed to ensure that petitioner shall not occupy the subject premises beyond 31.10.2017. Petitioner shall also file an affidavit within one week from the date of receipt of copy of this order before the Tahsildar giving an undertaking to vacate the subject premises by 31.10.2017 and also to pay 5,000/- per month as lease amount for those three months.

4. With the above directions, writ petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date: 09.08.2017
Kkm

JUSTICE P. NAVEEN RAO



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