

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION No.16912 of 2017

ORDER:

The Writ Petition is filed to declare the action of the 2nd respondent in not considering the representation of the petitioner dated 10.03.2017 for renewal of the lease for further period of three years at an enhanced rent of 33 1/3 % as per Rule 12(1)(h)(4) of the AP Municipalities (Regulation of Receipts and Expenditure) Rules 1968 and issuing notice in ROC. No.2289/ 2013/ A1 dated 04.05.2017, as illegal and arbitrary.

Heard and perused the material available on record.

The petitioner obtained vacant site on lease initially for a period of one year and later the lease was renewed from time to time, but notice dated 04.05.2017 was issued directing petitioner to deliver vacant possession of the property as the lease was expiring on 01.06.2017. Admittedly, the representation of the petitioner is pending with the Municipal Council, Hindupur Municipality – 3rd respondent and in terms of clause –4 of G.O.Ms.No.56, dated 05.02.2011, the Municipal Council may renew the lease of immovable property for a period of three years one time and with prior sanction of Government for a period of three years and not exceeding 25 years at a time without conducting any public auction.

The main contention of the petitioner is that the 3rd respondent may or may not renew the lease, but keeping the representation of the petitioner pending for years together and issuing notice for delivery of vacant possession after expiry of lease period is illegal.

Considering the grievance of the petitioner, the 3rd respondent – Municipal Council, Proddatur Municipality, is directed to dispose of the

representation, dated 10.03.2017, submitted by the petitioner as expeditiously as possible and in any event not later than (15) days from the date of receipt of a copy of this order and pass appropriate orders in accordance with law.

With the above direction, the Writ Petition is allowed. No order as to costs. Miscellaneous applications, if any, pending shall stand closed.

M. SATYANARAYANA MURTHY, J

May 11, 2017.
KTL

