

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Ms. JUSTICE J. UMA DEVI

Writ Appeal No.1393 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P. No.28887 of 2017 dated 31.8.2017. The appellants herein filed the writ petition to declare the action of the Mandal Parishad Development Officer, in issuing an eviction notice to them instead of extending the agreement for the respective shops with further enhancement of rents at 20% as per the agreement, as arbitrary and illegal.

While the appellants-writ petitioners claim to be in occupation of the subject lands for several decades, it is not in dispute that a lease agreement was entered into with them on 15.11.2006 for a period of five years which expired on 15.11.2011. It is also not in dispute that the subject lease was not extended thereafter, but the appellants-writ petitioners were allowed to continue. By the impugned notice dated 18.8.2017, the leasehold rights are now being sought to be put to auction.

In the order under appeal, the learned Single Judge has left it open to the appellants-writ petitioners to participate in the auction for grant of leasehold rights of the shops; and has directed that the appellants-writ petitioners be continued till the auction is finalised.

While we see no error in the order of the learned Single Judge justifying interference in an intra-Court appeal under Clause 15 of the Letters Patent, Sri G.L. Narasimha Rao, learned counsel for the appellants, submits that this Court may at least permit the appellants-writ petitioners to submit a representation; and it is for the official respondents to consider the same in accordance with law.

While we see no reason to interdict the auction or interfere with the order of the learned Single Judge, we make it clear that the order now passed by us would not disable the appellants from submitting a representation to the authorities; and it is for the authorities, if they so choose, to consider the same in accordance with law.

Subject to the aforesaid observations, the writ appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

18th September, 2017

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Date: 18.9.2017

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