

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 5133 of 2012

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 3rd respondent in threatening the petitioners to vacate the petitioners from the shops without giving any notice and without following the procedure contemplated under the Municipal Corporation Act, as illegal, arbitrary, unreasonable and violative of Article 14 of the Constitution of India; and consequently direct the 3rd respondent not to dispossess the petitioners from the shops.

2) The averments in the affidavit filed in support of the writ petition would show that the petitioners are the lease holders of the shops situated in Municipal Complex, Madduru Subba Reddy Nagar, Kurnool. The 3rd respondent extended the period of lease in favour of the petitioners from 01.05.2009 to 30.04.2010 and further extended from 01.05.2010 to 30.04.2012. While the lease period is in existence, the respondents are trying to take steps to dispossess the petitioners without following due process of law. It is their case that the petitioners are doing different types of business in the said premises and if they were asked to vacate the premises, great inconvenience would be caused to them. Challenging the action of the 3rd respondent, the present writ petition came to be filed.

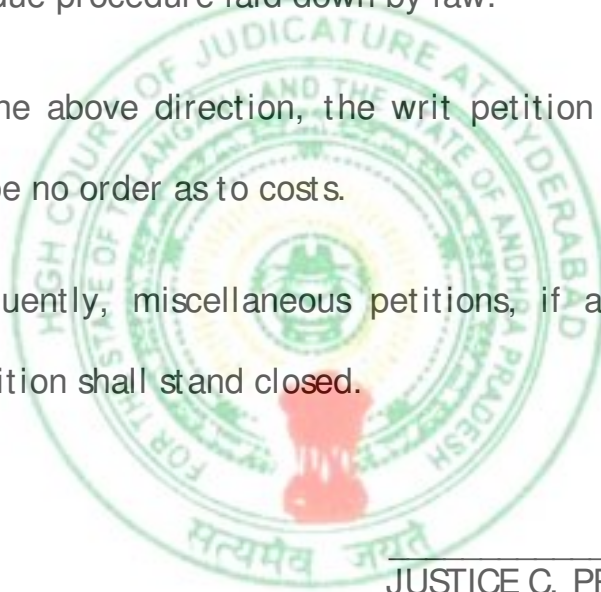
3) A counter came to be filed by the 3rd respondent denying the averments made in the petition.

4) During the course of arguments, learned Standing Counsel for the 3rd respondent Corporation would submit that the 3rd respondent will take steps of eviction only after following due process of law.

5) Recording the said submission, if the 3rd respondent intends to take steps for eviction of the petitioners from the shops, they shall follow due procedure laid down by law.

6) With the above direction, the writ petition is disposed of. There shall be no order as to costs.

7) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.



JUSTICE C. PRAVEEN KUMAR

20.02.2017
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