

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.No.7411 of 2011

Date : 22-3-2011

Between:

Allam Raja Komaraiah

and others ..

Petitioners

and

The Panchayat Secretary,

Gram Panchayat Parkal,

Warangal and another ..

Respondents

Counsel for petitioner : Sri P.Prabhakar Reddy

Counsel for the respondent No.1 : Sri P.Raghavender
Reddy

The court made the following :

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ORDER:

This Writ Petition is filed for a mandamus to set aside auction notice in Rc.No.52/GPP/2011, dated 11-3-2011 of respondent No.1.

The petitioners were inducted as lessees of the shopping complex constructed by the Gram Panchayat, Parkal, Warangal District in the year 1994. The leases were for a period of three years. At the hearing, it has come out that they were renewed with prior permission of the Divisional Panchayat Officer upto the year 2002. For the subsequent period, no such renewals have been made but the petitioners are permitted to remain in possession and carry on their respective businesses on paying enhanced rents once in three years. The Gram Panchayat, Parkal, Warangal District has issued impugned notice dated 11-3-2011 calling for tenders in respect of various items noted therein. Item No.14 pertains to leasing of shops in the shopping complex. The petitioners filed the present Writ Petition feeling aggrieved by the proposal of the Gram Panchayat to follow tender process in stead of renewing the leases in favour of the petitioners.

At the hearing, Sri P.Prabhakar Reddy, learned counsel for the petitioners submitted that while the recognised procedure for leasing out the shops belonging to the Gram Panchayat is by way of auction, since the petitioners have long standing possession, they cannot be

evicted without giving reasonable time. The learned counsel further submitted that the impugned notice of the Gram Panchayat has permitted the petitioners only a week's time to vacate the stalls and that it is impossible for the petitioners to secure alternative premises suitable for running their businesses in such a short time.

Sri P.Raghavender Reddy, learned Standing Counsel representing respondent No.1 submitted that after the year 2002, no formal leases have been granted in favour of the petitioners and that they were allowed to remain in possession. He further submitted that the petitioners have sub-let many of the stalls to third parties and that in order to regulate the leases of the shopping complex, regular tenders have been called for.

Indubitably, letting out of the shops belonging to the State or its instrumentalities through public auction is the normal procedure. Only in exceptional cases, this procedure is deviated from. From the submissions of the learned Standing Counsel it is clear that from the year 2002 onwards, there were no renewals of leases in favour of the petitioners but they were allowed to remain in possession of the shops on payment of enhanced rents. Evidently, at long last the Gram Panchayat appears to have realised their folly in allowing this procedure to continue. Therefore, it is not appropriate for this court to interfere with the efforts of the respondents in regulating the leases pertaining to the shop rooms by following proper legal procedure of putting them to auction. If the petitioners are interested in retaining their possession, they can as well participate in the tender process. Therefore, I am not inclined to interfere with the

impugned tender notice. However, having regard to the fact that the petitioners are permitted to remain in possession from the year 1994, they deserve some reasonable time to enable them to search for alternative premises. Therefore, while declining to interfere with the impugned tender process, the respondents are directed to permit the petitioners to continue in their respective business premises in the event they do not succeed in retaining the shops in the proposed auction, for a period of two months from today, subject to their continuing to pay the rents. Before the auction is held, all the tenderers may be notified that possession will be given to the successful tenderers from 1-6-2011 in stead of from 1-4-2011 as mentioned in the tender notice.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP No.9228/2011 is disposed of as infructuous.

C.V. Nagarjuna Reddy.,J

Date : 22-3-2011

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