

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.41401 OF 2017

O R D E R

Aggrieved by the action of the 2nd respondent – District Panchayat Officer, in allegedly singling out the petitioners out of 24 tenants, by issuing impugned notices dated 22.11.2017 and 25.11.2017, to vacate the subject shops, where they have been conducted vegetable business since 2000, without any prior notice, as illegal and arbitrary.

Heard the learned counsel for the petitioners.

The learned Standing Counsel for 3rd respondent – Gram Panchayat, on instructions, would submit that notices have been issued to all such tenants to vacate their respective shops. On 11.12.2017, the 3rd respondent has taken a decision to allot the shops in Narayankhed Market Yard by conducting public auction and the 2nd respondent has also fixed the upset price.

As the respondents intend to allot the shops in Narayankhed Market Yard, by way of public auction, petitioners cannot have any grievance. Moreover, as submitted by the Standing Counsel for 3rd respondent, which has not been disputed, notices have been issued to all the tenants in the market yard and hence the allegation of picking and choosing the petitioners alone, for issuing the impugned notices, for vacating the subject shops, cannot be appreciated. The petitioners have not made out any case showing he has any legally enforceable right to continue in the subject shops of Narayankhed Market Yard, for eternity. Hence, I do not find any merit in the writ petition and the same liable to be dismissed.

If the petitioners are eligible, they are always at liberty to participate in the public auction, provided they pay all the arrears of rent, if any, and also furnishing an undertaking that they would forthwith vacate on allotment of subject shops to highest bidders till auction process is finalized.

With the above observation, the writ petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A. RAJASHEKER REDDY, J

DATE: 21—12—2017

AVS

