

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

MONDAY, THE FIRST DAY OF JUNE,
TWO THOUSAND AND FIFTEEN

:PRESENT:
THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WP .NO: 13341 of 2015
AND
WPMP .NO: 17524 of 2015

Between:

Sri Jagannadha Salts,
Represented by its Proprietor, Smt. Vysaraju Rajini W/o.V.S.N. Raju,
Kalingapatnam Salt Factory, Kalingapatnam, Gara Mandal, Srikakulam District.

..... Petitioner in both petitions

AND

- 1 Union of India, Rep. by the Deputy Secretary to the Government,
Ministry of Industry & Commerce, Department of Industrial Policy and
Promotion (Salt Section), Udhyog Bhavan, New Delhi.
- 2 Salt Commissioner, Lavan Bhavan, 2A, Lavan Marg, Jhalana Doongir,
Jaipur - 302 004.
- 3 Deputy Salt Commissioner, 26, Haddows Road, Shastri Bhavan,
Chennai - 600006.
- 4 Salt Inspector, Kalingapatnam, Gara Mandal, Srikakulam District.

.....Respondents in both petitions

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the letter dated 09.10.2013 issued by the 1st Respondent bearing No. 04014/1/2012-Salt as illegal, arbitrary and unjust in so far as it relates to renewal of leases and enhancement of ground rent and security deposit etc., and quash the same and consequently direct the respondents to continue the lease of the Petitioner on such conditions as may be agreed upon by the Petitioner without insisting payment of differential amount of assignment fee, ground rent etc., in the interest of justice.

WPMP.NO: 17524 of 2015

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed in the W.P., the High Court may be pleased to grant stay of operation of letter dated 09/10/2013, bearing No.04014/1/2012-Salt issued by 1st Respondent in the interest of justice, pending disposal of WP No.13341 of 2015 on the file of the High Court.

These petitions coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri K. Subrahmanyam, Advocate for the Petitioner and Sri B. Narayana Reddy, Asst.

Solicitor General for the Respondents, the Court made the following

ORDER:

The grievance of the petitioner in this writ petition is similar to the one considered by this court in W.P.No.36249 of 2014. There shall be a like order in this writ petition also.

“Rule nisi. Call for records.

Notice returnable in four weeks.

Writ petition is instituted aggrieved by the unilateral increase of ground rent and assignment fee by order dated 09.10.2013. Petitioner was also asked to execute supplementary lease agreement agreeing for the said increase. Since petitioner did not comply with the same, he was served with several notices and final notice mandate him to pay arrears or he would be evicted from the premises.

Learned counsel for petitioner produced lease agreement entered initially and there is no clause provided in lease agreement so far as this petitioner is concerned which enables the Central Government to unilaterally increase ground rent and assignment fee. It is further stated that similar matters were instituted before the Madras High Court and Madras High court granted interim stay on the ground that there was unilateral enhancement of ground rent and assignment fee, therefore, the impugned order is *prima facie* bad in law. Though initial order was valid for a period of four weeks, learned counsel for petitioner submits that the order is extended subsequently and is still in force.

Having regard to the same, there shall be interim stay as prayed for.

Learned Assistant Solicitor General requests time to obtain instructions and file counter.”

List along with W.P.No.36249 of 2014.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Deputy Secretary to the Government, Ministry of Industry & Commerce, Department of Industrial Policy and Promotion (Salt Section), Union of India, Udhog Bhavan, New Delhi.
- 2 Salt Commissioner, Lavan Bhavan, 2A, Lavan Marg, Jhalana Doongir, Jaipur - 302 004.
- 3 Deputy Salt Commissioner, 26, Haddows Road, Shastri Bhavan, Chennai - 600006.
- 4 Salt Inspector, Kalingapatnam, Gara Mandal, Srikakulam District.
(Addressees 1 to 4 BY RPAD)
- 5 One CC to Sri K. Subrahmanyam, Advocate (OPUC)
- 6 One spare copy.

nnr

HIGH COURT

VVA,J

DATED: 01-6-2015

NOTE: List along with WP No.36249 of 2014

ORDER

W.P.NO. 13341 OF 2015

AND

WPMP.NO. 17524 OF 2015

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 02-06-2015

VVA,J

DATED: 01-6-2015

NOTE: List along with WP No.36249 of 2014

ORDER

**W.P.NO. 13341 OF 2015
AND
WPMP.NO. 17524 OF 2015**

DIRECTION