

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION Nos.1712 & 1721 of 2018

COMMON ORDER:

Heard the learned counsel for the writ petitioners, the learned Standing Counsel for respondent No.2 Municipality Sri N.Praveen Kumar from the oral instructions in his offering to file appearance, and also the learned Government Pleader for Municipal Administration and perused the prayers in both the writ petitions with supporting affidavits and the impugned respective two notices of the two writ petitions dated 09.01.2018.

2. From the very agreements granting lease dated 01.07.2012 in favour of the respective petitioners the lease is for three years commencing from 01.07.2012 and there is a provision for renewal thereafter subject to enhancement of the lease amount originally fixed for the first three years of Rs.2,500/- per month. After expiry of the first three years lease, the respective petitioners are continued is not in dispute. In the Lease Agreements, there is no stipulation as to what is the proportionate enhancement to the original rent fixed after first three years. The enhancement as per the Rules undisputedly $\frac{1}{3}^{\text{rd}}$ of the existing rent as the case may

be, which shall be from the expiry of the first three years of lease.

3. Having regard to the above and pursuant to the impugned notices as the writ petitioners agreed to pay at the said enhanced rate as per the original terms of the respective Lease Agreements, they shall be continued till the end of June 2018, subject to clearing of arrears within one (1) month from today and for any non-payment they are liable to be vacated by virtue of this order within one (1) week from the expiry of the time now fixed and to pay all the arrears without prejudice to the recovery of damages for use and occupation at a reasonable amount if any. The proposed auction by the respondents no way be interdicted, but for such auction period commences from 01.07.2018 only. There is no bar subject to clearing of arrears as per the Rules, if at all the petitioners want to participate.

With the above directions, the Writ Petitions are disposed of. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

23.01.2018

Note: Issue C.C. by 25.01.2018

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MVA