

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.17257 of 2011

ORDER:

The proceedings under challenge, in this Writ Petition, is the notice dated 29.04.2011 issued by the Estate Officer, Vijayawada Municipal Corporation informing the petitioner that the rental due from him was Rs.1,33,986/-. The said letter records that, during 1992 in the public auction, the petitioner was the highest bidder; the auction was finalised in his favour pertaining to shop No.L21A; it was further agreed that the rent should be enhanced every three years at 33 1/3% of the existing rent; the Commissioner had ordered, in his letter dated 01.04.2010, that there was no possibility of reducing the rent; and, therefore, he should pay Rs.1,33,986/- for shop No.L21A.

The petitioner's representation dated 20.03.2002, and his subsequent representations, is for reduction in rent on the ground that adjoining shops were paying lesser rent. The petitioner was the highest bidder in the auction in 1992, having submitted a bid for lease rent of Rs.1740/- per month. He had also agreed to pay enhanced rent at 33 1/3% every three years over the existing rent. Having participated in the auction, and having secured a lease on the conditions aforementioned, it is not open to the petitioner to now turn around and contend that he should be permitted to pay lesser rent on the ground that adjoining shops were being charged lesser rent.

In the light of the interim order, passed in WPMP No.20730 of 2011 dated 22.06.2011, the respondents were disabled from taking coercive steps pursuant to the impugned notice dated 29.04.2011. From the impugned proceedings dated 29.04.2011, it is also evident

that the petitioner has been continuing in possession of the subject premises ever since 1992. The law declared by a Division bench of this Court, in **B. Krishna Reddy v. The Government of A.P.**¹, is that no person can continue to remain in occupation of property belonging to a Municipality, even at the behest of the Government, for a period beyond 25 years.

While Sri K. Jyothi Prasad, Learned Counsel for the petitioner, expresses ignorance as to whether or not the petitioner continues to remain in occupation of the subject shop, suffice it to make it clear that no person can remain in occupation of shops, belonging to the Municipality, beyond a period of 25 years. As we find no error in the impugned notice dated 25.04.2011, it is open to the respondents to proceed, and take action, against the petitioner for recover the amounts referred to in the impugned notice.

The Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 09.03.2018

MRKR

¹ (Order in WP No.6354 of 2009 dated 25.08.2009)