

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3066 of 2018

ORDER:

The grievance of the petitioners is respondent No.3 demanded them for depositing three months lease amount. The petitioners assert that the impugned notice does not contain the above said condition and the Market Committee has no authority to demand such amount.

Sri Ch.Srinivas, learned Standing Counsel for respondent No.3, placed on record the Circular, dated 20.12.1990, issued by the Commissioner and Director of Marketing, Government of Andhra Pradesh. In the said Circular, norms and procedure which are required to be adhered to by the Market Committee were notified. Clause 7 thereof reads as under:

The shops-cum-godown shall be allotted and lease deed shall be entered between the Market Committee and the concerned trader as per the Model Lease Deed enclosed."

Draft model lease deed was also enclosed to the above said Circular. Clause 5 thereof reads as under:

"That the lessee shall deposit three months advance rent with the Market Committee as Security Deposit which shall be refunded after the termination of lease duly adjusting towards dues, if any, by way of rent or damages caused to the building."

In the light of the above said Circular, the contention of the learned counsel for the petitioners does not commend

acceptance. Therefore, the condition of deposit of three months lease amount has to be complied with by the petitioners, so as to get the benefit of lease.

In those circumstances, the writ petition is disposed of with the direction to respondent No.3 to enter into lease agreement with the petitioners subject to the condition of the petitioners depositing three months lease amount, within four weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

Dt:09.02.2018

kdl

CHALLA KODANDA RAM, J

