

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.3591 OF 2018

ORDER:

Heard the learned counsel for petitioner, the learned Government Pleader for Endowments on behalf of the respondents 1 to 4 and Sri K.Jagan Mohan Reddy, Standing Counsel for respondent No.5 temple offers to appear from the instructions, and perused the prayer in the Writ Petition with supporting affidavit and other material on record and the letter addressed by the Commissioner, Endowments Department, Telangana State, Hyderabad, to the Government Pleader for Endowments, dated 26.01.2018, pursuant to the representation of petitioner dated 01.11.2017 referred. The prayer in the Writ Petition reads as under:

“to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions to direct the respondents 2 to 5 to act in accordance with law and not to initiate any coercive measures against the petitioner for eviction from the premises bearing Nos.9-3-14 to 9-3-17, Guddikonda Residency, Rezimental Bazar, Secunderabad till the disposal of the representation dated 01.11.2017 pending before respondent No.1 for extension of the lease of the property, and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case”

2. Undisputedly, the earlier writ petition in W.P.No.1962 of 2017 was disposed of on 27.01.2017, which is prior to the petitioner’s representation dated 01.11.2017 supra. The operative portion of the order in said writ petition passed by another Bench of this Court is reproduced as under:

“3. In the light of the aforesaid undertaking affidavit filed by the petitioner, this writ petition is disposed of in terms of the said undertaking affidavit, as per which the petitioner shall pay a sum of Rs.80,000/- per month towards rent for the subject premises on or before 7th of every succeeding month and shall handover vacant possession of the same on or before 31.01.2018. So far as the rent for the month of January, 2018 is concerned, the same shall be paid on or before 15.01.2018. It may also be noted that violation of any of the terms of the said undertaking would expose the petitioner to the contempt proceedings. It is also made clear that, as was undertaken by him before this Court, the petitioner shall neither create any third party rights in any manner nor shall carry out any further construction, except to the extent of attending to the current repairs for the purpose of maintaining the subject premises in tact.”

4. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed. No order as to costs.”

3. Once such is the case, there is nothing to consider the prayer in the present Writ Petition to consider and dispose of the said representation of petitioner dated 01.11.2017 having given the undertaking affidavit that is recorded in the order of W.P.No.1962 of 2017 dated 27.01.2017. However, the fact remains including from the letter of Commissioner, Endowments Department to the Government Pleader referring to the said representation of petitioner whether to consider or not, submitted to the Government vide office letter dated 13.01.2018 by the Office of Commissioner requesting to reject the said request of him and orders of the Government in this regard are awaited and on receipt of the orders from the Government, further action will be taken to conduct fresh

public auction in the matter. Even from this, the matter is pending with the Government from the recommendation of the Commissioner to reject the request of applicant.

4. Having regard to the above, till response from the Government or otherwise, time is granted to the petitioner till 31.03.2018 to vacate the subject premises without any condition and in the meantime, he has to pay for use and occupation charges at Rs.1,75,000/- (Rupees one lakh and seventy five thousand only) per month, though the learned Government Pleader submitted a report showing as per the prevailing market rate to the plinth area covered by the subject premises, it may reasonably come to about Rs.2,44,000/- per month if fresh auction is conducted.

5. At this juncture, the learned Government Pleader submits that it is after vacating the subject premises the respondents are going to make alterations and it is only thereafter they will conduct public auction and if the petitioner or any others want to participate, it is left open and the respondents are not assuring any thing in this regard.

6. It is made clear that irrespective of any decision of the Government communicated or not, the petitioner cannot continue in the premises after 31.03.2018 by virtue of this order.

With the above directions, this Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

06.02.2018
MVA

