

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION Nos.6234, 6254 & 6537 of 2018

COMMON ORDER:

Heard learned counsel for the respective petitioners, learned Government Pleader for Municipal Administration for respondent No.1 and Sri N. Praveen Kumar, learned Standing Counsel for respondent No.2 and perused the respective prayers in the writ petitions with the supporting affidavits.

The respective petitioners are lessees/licencees of the shops belong to the 2nd respondent-Municipality of the Suryapet Town, presently Suryapet District earlier Nalgonda District. The original lease period respectively commenced from 2007 or 2008 or 2009 as the case may be originally for a period of 3 years and they are continuing it appears thereafter with any renewals without fresh public auction. It is while so, the 2nd respondent-Municipality issued a fresh public auction dated 10.02.2018 in Roc.No.A1/922/2015 published in Eenadu Telugu Daily newspaper dated 13.02.2018. It is the same now impugned in the respective prayers of said proposal to conduct open public auction in relation to the respective shops for which they are continuing as lessees is illegal and unconstitutional and contrary to amended Rules by G.O.Ms.No.56, MA & UD Department dated 05.02.2011 to the original Rules in G.O.Ms.No.686, MA, dated 30.07.1968.

The learned standing Counsel submits that from the order G.O.Ms.No.56 particularly from Rule 12 sub Rule 4 which speaks of renewal of leases of immovable properties.

From the bare reading of the Rule, it is clear that without application for renewal and without forwarding by the Municipal Council to the Government and that too without approval by the Government the question of extension of lease beyond 3 years from the date of the original auction does not arise. In the claim of the petitioners particularly in W.P.No.6537 of 2018 it is stated that application was filed on 18.02.2018 that was acknowledged on 23.02.2018 before filing of the writ petition on 26.02.2018 as referred supra the auction publication was dated 10.02.2018 in the Eenadu Telugu Daily dated 13.02.2018, which is earlier to the said application and in so far other 2 writ petitions by the time of filing of the writ petitions dated 23.02.2018 no such applications filed, but for later stated filed on 27.02.2018 acknowledged on even date.

Having regard to the above, there is nothing to interdict the public auction process, but for if at all the Municipal Council chooses to consider by virtue of G.O.Ms.No.56 Rule 12 referred supra to recommend to the Government and said recommendation to the Government shall be forwarded from use of the discretion with the Council by the use of word may and if at all chosen to send, not to finalize the public auction till orders of Government for approval or non-approval as the case may be received.

With the above observations, all the three Writ Petitions are disposed of for nothing to interdict auction, but for not to finalize till a decision is being taken by the Municipal Council on the applications submitted by the respective petitioners for the

continuation of the lease subject to approval of the Government if any.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 05.03.2018

Note: Issue C.C. tomorrow

(B/o)

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