

THE HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 14564 OF 2015

ORDER:

This Writ Petition is filed seeking a direction against respondent No. 1 to follow the provisions of the Endowments Act strictly in case it wants to evict the petitioners from shop Nos. 1 and 2 bearing D.Nos. 5-5-3 and 5-3-1, Birla Bhavan Centre, Main Bazar, Eluru, West Godavari District, respectively.

2. The case of the petitioners is that even before the registration of respondent No. 1 with the Endowments Department, father and father-in-law of petitioner Nos. 1 and 2 respectively took possession of vacant land belonging to respondent No. 1 and constructed asbestos shed and started their business. Subsequently, the petitioners became leaseholders and continuing in the said shops. The authorities time and again extended the lease by enhancing rent and the petitioners are paying the same. While the things stood thus, respondent No. 1 by notification dated 06-05-2015 is trying to auction the leasehold rights of the subject shops.

3. Counter affidavit has been filed by respondent No. 1 stating that after expiry of leasehold rights, the petitioners do not have any right to seek extension of the same.

4. On 14-05-2015, this Court passed an *interim* order to proceed with the auction, but not to finalize the same. Learned standing counsel for respondent No. 1 submits that if the

petitioners are ready to pay the enhanced rent, they will be continued till they are evicted in accordance with the procedure contemplated under Section 83 of the Act. Learned counsel for the petitioners has agreed for the same.

5. In view of the facts and circumstances of the case, the Writ Petition is disposed of directing the respondents to continue the petitioners on payment of the enhanced rent fixed by the authorities from time to time till the latter are evicted in accordance with the procedure contemplated under Section 83 of the Act. Pending miscellaneous petitions, if any, shall stand dismissed in consequence. No costs.

KONGARA VIJAYA LAKSHMI, J.

30-11-2018
JSK

