

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Writ Petition No.37286 of 2016

ORDER :

The petitioner filed Writ petition with following prayer:-

‘to issue a Writ or Mandamus or any other appropriate Writ, Order or direction, declaring the action of the 1<sup>st</sup> respondent in allotting the shop No.B3, Municipal complex, Market Area, Mancherial to the 2<sup>nd</sup> respondent as not considering the representation, dated 17.10.2016 submitted by the petitioner for re-allotment of Shop No.B3, Municipal Complex, Market Area, Mancherial as illegal, arbitrary and further direct the 1<sup>st</sup> respondent to consider the representation and re-allot the said shop to the petitioner by cancelling the allotment made to the 2<sup>nd</sup> respondent and pass such other order or orders as this Court may deem fit and proper in the circumstances of the case.”

Heard the learned counsel for the petitioner and also the learned standing counsel for the 1<sup>st</sup> respondent-Macherial Municipality and learned counsel for the unofficial 2<sup>nd</sup> respondent and perused the writ petition prayer supra with supporting affidavit and counter affidavit of the 2<sup>nd</sup> respondent and no specific written instructions or counter filed by the learned standing counsel for R.1 but for saying on oral instructions and the Rule 12 of the Regulation of Receipts and Expenditure Rules 1968(for short, ‘the Rules’) covered by G.O.Ms.No.686, Municipal Administration, dt.30.07.1968 which speaks the Municipal Council may renew the lease of immovable properties for a period of three years at a time and with prior sanction of Government and not exceeding 25 years at a time without conducting public auction, if the present lessee agrees to renew the lease in his favour at an amount which will be at 33 1/3% above the earlier rent or the

prevailing market value of such shops situated in the vicinity, whichever is higher.

The lease commenced from March, 2002 for three years in favour of the petitioner by participation in the public auction not in dispute. There is no application made by the petitioner much less within three years also not in dispute. The Municipal Council did not pass any resolution referred to the Government to consider for rental of the lease beyond three years upto 25 years at any point of time is not in dispute.

Having regard to the above, there is practically nothing in the writ petition to pass any order in favour of the petitioner but for if at all the 1<sup>st</sup> respondent-Mancheria Municipality wants to consider any such representation pending with them, to consider within one week from the date of receipt of the order on own merits and communicate if at all to forward to the Government as per the above.

In the result, the Writ Petition is disposed of. Consequently, miscellaneous petitions, if any, pending shall stand closed.

Date:31.01.2018  
vvr

Dr. B.SIVA SANKARA RAO J,