

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5187 OF 2017

ORDER:

This writ petition is filed declaring the action of the respondents in not delivering the vacant possession of the site in Survey No.4660/6, Old TS No.4463/6 and 4457/3, situated at Tirupati Town, as illegal and arbitrary and for a consequential direction to the respondents to handover the possession of the subject premises forthwith and also direct the respondents to pay the rent at Rs.1,48,000/- per month from 01.02.2011 after deducting the amounts if any paid, together with interest @ 18%.

Heard learned counsel for the petitioner.

Counter is filed stating that there is no dispute with regard to expiry of lease in the year 2011, but the defence taken is that the petitioner has to approach the Civil Court for vacating the subject premises. The respondent being State under Article 12 of the Constitution of India cannot take such a plea when admittedly there is no dispute with regard to the fact that petitioner is a landlord and lease period expired long back in the year 2011.

Sri B.Mayur Reddy, learned Standing Counsel for respondents submits that for removing underground tanks

they require the services of the explosive department and as such, they require time for vacating the premises.

In view of the above, the writ petition is disposed of directing the respondents to vacate the premises within a period of five months from today. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

25.07.2018
t k.

A.RAJASHEKER REDDY, J

