

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1962 of 2017

ORDER:

When the matter was listed on 23.01.2017, considering the nature of the dispute and the desire expressed by the learned counsel for the respective parties, this Court directed the petitioner to file an undertaking by way of an affidavit to the effect that if he is permitted to be in occupation of the subject premises belonging to the 5th respondent – Temple for a period of one year, he would pay Rs.80,000/- (Rupees eighty thousand only) per month and handover vacant possession of the said premises.

2. Pursuant to the said direction, Sri G. Hanuman Chand, s/o. Narayana Rao, R/o. H.No.10-1-700, West Marredpally, Secunderabad, who is the petitioner herein, has filed an undertaking affidavit dated 24.01.2017 before this Court, the relevant portion of which reads as follows:

“2. I humbly submit that the above writ petition was filed challenging the impugned proceedings bearing Rc.No.C1/3633/2016, dated 07.01.2007 of the 2nd respondent asking respondent Nos.3 to 5 to evict me from the premises belonging to the 5th respondent institution with the help of the police officials without following due process of law. I submit that when the above matter came up for hearing on 23.01.2017 in pursuant to the suggestions from the Hon'ble Court an amicable understanding was entered into between me and the respondents. Accordingly, all the parties

agreed that I shall be continued in the said premises for a period of one year with effect from February, 2017. I agreed to pay the rent at the enhanced rate of Rs.80,000/- per month with effect from February, 2017.

3. I, therefore, in accordance with the said understanding, undertake to vacate the said premises after expiry of one year with effect from February, 2017 without prejudice to my right to participate in the auction that may be conducted by the respondent authorities. I also undertake to pay the rent at the rate of Rs.80,000/- per month on or before 7th of succeeding month.”

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 carryout 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.

JUSTICE CHALLA KODANDA RAM

27.01.2017.

Msr



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Msr