

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.26541 of 2018

ORDER:

The grievance of the petitioner, in the present Writ Petition, is the inaction on the part of the fourth respondent-Chowltry in proceeding with the process of holding public auction for leasing out the leasehold rights in respect of shop No.14 of the shops of the fourth respondent.

It is contended by the learned counsel for the petitioner that, as per Rule 4 (2) (B) of the A.P.Charitable and Hindu Religious Institutions and Endowments Immovable Properties and Other Right (other than Agricultural Lands) Lease and Licenses Rules, 2003 (for brevity, 'the Rules'), notified vide G.O.Ms.No.866 Revenue (Endowments-1) Department, dated 08.08.2003, respondents ought to have considered the request of the petitioner herein for enhancement of the lease period by enhancing the lease amount by 30%.

On the other hand, it is contended by Smt.K.Lalitha, learned Standing Counsel for the fourth respondent, that, after the amendment to the said Rules, by insertion of Clause (H) of Rule 4 (2) of the Rules, it is obligatory on the part of the Executive Authority to conduct tender-cum-public auction after the completion of licence/lease period. It is further contended by the learned Standing Counsel that the fourth respondent granted lease, admittedly for a period of three years in favour of the petitioner herein, as such, the question of

consideration for extension, under Rule 4 (2) (B) of the Rules, does not arise.

A reading of Clause (B) of Rule 4 (2) of the Rules makes it evident that no immovable property under these Rules can be granted for a period exceeding eleven years and the same is the maximum period. The said Rule can be invoked only when the initial lease period is eleven years but not in the case of this nature where the initial lease period is only three years.

Clause (H) of Rule 4 (2) of the Rules, in categorical and clear terms, mandates the Executive Authority to conduct tender-cum-public auction after the completion of the lease period and it is open for the existing leaseholders to participate in the tender-cum-public auction and retain their holding if they are successful in the bid.

In view of the above statutory mandate, the request of the petitioner herein, for extension of the lease period, cannot be considered.

Accordingly, Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, shall also stand disposed of.

30th July, 2018
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A.V.SESHA SAI,J