

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No. 29204 OF 2018

ORDER:

The premises bearing No.1335/H, Road No.45, Jubilee Hills, Hyderabad belonging to the erst while Government of Andhra Pradesh had been leased out to M/s. Ishita Infrastructure India Private Limited for seven years with effect from 1.6.2011. Petitioner took over the said premises from the said lessee for operational purpose with the approval of the 3rd respondent Corporation. Petitioner claimed to have invested 90 lakhs for renovation of the building. According to the petitioner, in June, 2012, due to heavy rains, the back side wall of the building collapsed but it was not repaired by the respondents, that the petitioner's business suffered and it caused huge loss.

The petitioner contends that though the lease was liable to be renewed every year, no renewal was granted from 1.6.2014 to 31.5.2015, that petitioner filed O.S.No.379 of 2015 before the VII Junior Civil Judge, City Civil Court, Hyderabad, which was decreed on 3.6.2016 granting perpetual injunction in its favour against the respondents, but in spite of the same, the 3rd respondent, on 3.12.2015 refused to renew its lease. Further, the failure of the respondents to renew the lease has caused loss to the petitioner and the respondents are liable to make good the loss and damage suffered by the petitioner for non-renewal of the lease and also to pay entire investments made by the petitioner, which petitioner had demanded pursuant to legal notice dated 17.6.2014.

The relief claimed in the writ petition i.e., to award damages for non-renewal of a lease, has to be decided by a competent Civil Court, since the question of loss or damage or the right of the petitioner to obtain such renewal requires evidence and an elaborate trial.

Therefore, I am not inclined to entertain the writ petition.

Accordingly, granting liberty to the petitioner to approach competent Civil Court for appropriate relief, writ petition is dismissed.

No order as to costs. Miscellaneous Petitions, if any, filed in this Writ Petition shall stand dismissed.

Dated: 20.8.2018

KPM

JUSTICE M.S.RAMACHANDRA RAO

