

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.31986 of 2018

ORDER:

The complaint of the petitioner in the present Writ Petition is the alleged inaction on the part of the respondent No.4/Municipal Commissioner in registering the lease agreement and giving possession of Shop bearing No.21, Ground Floor, New Block, Tadipatri Road, Anantapur, in favour of the petitioner.

It is submitted by the learned Counsel for the petitioner that the petitioner herein emerged as a successful bidder in the auction conducted on 12.12.2014 pursuant to the auction notice, dated 04.12.2014, in respect of shop room belonging to the Municipal Corporation.

When the matter is taken up, it is submitted by the learned Standing Counsel for the respondent-Corporation that as the previous lessee is not vacating the subject shop, the respondent-Corporation is not in a position to handover the possession to the petitioner herein and not in a position to proceed further.

In the considered opinion of this Court, this Court finds no justification in the said action. Since the petitioner herein, admittedly, emerged as the successful bidder, it is obligatory on the part of the Commissioner/R.4 herein to complete the further process including registration of lease agreement and handing over possession of the shop, if necessary, by way of taking police assistance.

For the aforesaid reasons, the Writ Petition is disposed of, directing the Commissioner/R.4 herein to register the lease agreement in favour of the petitioner herein in respect of shop

bearing No.21, Ground Floor, New Block, Tadipatri Road, Anantapur, and handover the possession of the shop by getting the unauthorized occupant evicted by taking police aid, if necessary. This exercise shall be completed within a period of one month from the date of receipt of a copy of this Order.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE A.V.SESHA SAI

Date :11.10.2018
Smr

