

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION Nos. 40526, 40290, 40295, 40323, 40338,
40349, 40366 and 40421 of 2018

COMMON ORDER:

The present writ petitions came to be filed seeking issuance of a writ of mandamus declaring the impugned action of the respondents, particularly, the 5th respondent in issuing the impugned notices in Rc.No. SPART/ Shops/ 2018, dated 08.10.2018, on the false ground that the premises bearing Municipal Numbers 2-1-275, 2-1-278, 2-1-272, 2-1-279, 2-1-279, 2-1-277, 2-1-276 and 2-1-278, Rajaka Veedhi, Raghava Mahal Road, Khammam are in dilapidated condition and without considering the fact that the petitioners are paying rents regularly as per agreed rates and the readiness of the petitioners to enhance the rents as per the existing market rates, as is being done periodically till now, as illegal, arbitrary and incorrect.

2. The petitioners submit that lease was granted to the 5th respondent in respect of the subject premises during the year 1985 and the 5th respondent allotted the subject premises to the petitioners on rental basis. The said lease was being extended from time to time on payment of enhanced rent by the petitioners. While things stood thus, the impugned notices came to be issued, directing the petitioners to vacate the subject premises, as the authorities are proposing to demolish the structures, since the shops are in dilapidated condition. Challenging the same, the present writ petitions came to be filed.

3. Sri Anantha Krishna, the learned counsel for the petitioners would submit that the allegation that the shops are in dilapidated condition, is absolutely incorrect. According to him, all the structures are in fit condition to run the business and the demolition is being done only with a motive to harass the petitioners.

4. The learned Government Pleader for Endowments, Sri Jagan Mohan Reddy Kotha, who took time to get instructions, placed on record the letter addressed by the Regional Joint Commissioner of Endowments to the Commissioner of Endowments on 25.03.2014, wherein it is mentioned that due to paucity of funds and as meagre rent of the shops are not sufficient to maintain the Sanskrit School, the founder family member of the subject temple has proposed to demolish the ruined shops along with the old school building, and proposed to construct (2) halls for Sanskrit school, (1) hall for residing students of Sanskrit school, (12) shops (by replacing old ones) and (17) shops (newly proposed shops). The Regional Joint Commissioner also reported that (29) shops are proposed to be constructed in 1500 sq.yards and out of them, (12) shops would be allotted to the old lessees, duly collecting Rs.2,50,000/- from each lessee as deposit for construction of the shops, and that the old lessees also agreed to pay the rents as fixed by the departmental authorities.

5. In view of the letter dated 25.03.2014 addressed by the Regional Joint Commissioner of Endowments, this Court is of the

view that it may not be necessary to go into the issues raised in the writ petitions, more so, when the petitioners are assured of their shops after new structures are raised in the subject premises.

6. Having regard to the above, the writ petitions are disposed of in terms of the letter dated 25.03.2014 addressed by the Regional Joint Commissioner of Endowments to the Commissioner of Endowments, directing the authorities to provide shops to the writ petitioners after the new structures are raised in the subject premises by replacing the old ones. It is needless to mention that the petitioners shall vacate the subject premises within two months from today, and within 1 ½ years thereafter, the authorities shall complete the construction of the new buildings, including the shops of the petitioners. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in these Writ Petitions shall stand closed.

JUSTICE C. PRAVEEN KUMAR

12.11.2018
DMG