

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 46416 of 2018

ORDER:

Heard.

2. The present Writ Petition came to be filed declaring the proceedings issued by respondent No.2 vide ROC No.10933/1991/A2, dated 06.12.2018, enhancing monthly rent @ 33 1/3%, upon the present monthly paying rent and leaving sales tax @ 18% upon the enhanced rent for Shop No.1 (1500001) of Rajaram Shopping Complex, First floor, Station Road, Guntur, as illegal and arbitrary.

3. Learned counsel for the petitioner mainly submits that the shop of the petitioner is located in an old building and since it is in a dilapidated condition, enhancement of monthly rent @ 33 1/3% is illegal and inappropriate. He further submits that as the building is in a dilapidated condition and in view of the provisions of the Andhra Pradesh Municipalities Act, authorities ought not to have enhanced the rent by 33 1/3 %. The same is opposed by the learned Standing Counsel stating that if the building is in a dilapidated condition and that if the petitioner intends not pay the enhanced rent @ 33 1/3%, the petitioner can make

appropriate application before the Municipal Corporation, in which event, the same shall be dealt with in accordance with law.

4. Having regard to the fact that the present issue involves disputed questions of fact, more particularly, with regard to the nature of averments made, the petitioner shall make an application before the Municipal Corporation – respondent No.2, within a period of one week from today, giving reasons as to the enhanced rent which according to her is not permissible, in which event, the authorities concerned shall deal with the same, in accordance with law, after hearing all concerned and pass orders, as early as possible, preferably within a period of two weeks thereafter. Till such time, no coercive steps of eviction in respect of the subject property shall be taken.

5. With the above direction, the Writ Petition is disposed of.

6. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Dt: 27.12.2018
Issue CC in two days
B/o.
vhb