

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

W.P.No.40612 of 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayatraj for the respondents 1, 2 and 4 and Sri G.Narender Reddy, learned Standing Counsel for the third respondent Grampanchayat.

2. Notice bearing No.GP/SKP/18/2017, dated 17.11.2017, issued by the third respondent Grampanchayat is under challenge in the present writ petition.

3. According to the petitioner, he is a lessee of Shop bearing No.H-3 of the Shops belonging to the third respondent Grampanchayat. It is stated that an agreement was entered into on 30.05.2013, signed by the petitioner and the officers of the Grampanchayat, agreeing for the extension of the lease period till 2023 subject to enhancement @10% for every five years.

4. The District Collector, Ranga Reddy District, 4th respondent herein issued a notice dated 13.03.2015, asking the petitioner herein to submit explanation as why the allotment made by the Grampanchayat should not be cancelled. In response to the same, petitioner herein claims to have submitted a representation on 02.04.2015. Thereafter, vide impugned notice GP/SKP/18/2017, dated 17.11.2017, the third respondent asked the petitioner herein to submit an affidavit and to pay enhanced lease amount on or before 30.11.2017.

5. The sum and substance of the case of the petitioner in the present writ petition is that having issued a show-cause notice on 13.03.2015 and having received the explanation offered by the petitioner herein, there is absolutely no justification on the part of the respondent authorities in asking the petitioner herein to file an affidavit and asking for payment of lease amount at the enhanced rates. It is further submitted that the matter needs to be taken to a logical end pursuant to the notice dated 13.03.2015

6. On the other hand, it is submitted by the learned Government Pleader as also the learned Standing Counsel for the respondents Grampanchayat that there is absolutely no illegality nor there exists any procedural infirmity in the impugned action and in the absence of the same the impugned action

is not amenable for any judicial review under Article 226 of the Constitution of India. It is further submitted by the learned Standing Counsel that the then Grampanchayat authorities wrongly and erroneously granted the extension of period till 2023.

7. Admittedly, the District Collector issued a notice on 13.03.2015, calling upon the petitioner to submit explanation and it is the categoric case of the petitioner herein that he submitted an explanation in response to the said show cause notice and no action has been taken in pursuance of the same. This Court does not see any justification on the part of the District collector in not taking the issue to the logical end after issuing the show cause notice.

8. Having heard the learned counsel for the petitioner and the learned Governemnt Pleader and the learned Standing Counsel for the Grampanchayat, this Court deems it appropriate to dispose of the writ petition, with a direction to the fourth respondent District Collector to pass final orders pursuant to the notice dated 13.03.2015, duly taking into consideration the explanation offered by the petitioner herein, within a period of one month from the date of receipt of this order. Till then, the interim order granted by this Court shall continue to operate.

9. Accordingly, the writ petition is disposed of. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:21.03.2018
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



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Dated 21.03.2018

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