

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.670 OF 2019

ORDER

The prayer of the petitioner in this case reads as under:

'It is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate writ, direction or order, more particularly one in the nature of Writ of Mandamus, declaring the impugned notice No. B/178/2018 dt. 14-12-2018 issued by the 4th respondent without due process of law and in contrary to the Rule 12 of the Regulation of Receipts and expenditure Rules 1968, as illegal arbitrary and against the principles of natural justice and consequently set aside the impugned notice No. B/178/2018 dt. 14-12-2018 issued by the 4th respondent and to pass such other orders as are necessary in the interests of justice.'

It appears that the petitioner did not pay the rentals in terms of the lease deed dated 11.08.2014 leading to issuance of the impugned notice dated 14.12.2018.

Ms.T.Rajya Laxmi, learned counsel for the petitioner, would however inform this Court that the petitioner paid the entire arrears on 14.12.2018.

Perusal of the Treasury Challans placed on record reflects that the petitioner had earlier paid a sum of Rs.24,568/- under Treasury Challan dated 18.08.2015 and a sum of Rs.64,000/- under Treasury Challan dated 23.05.2017. After issuance of the impugned notice on 14.12.2018, the petitioner paid Rs.25,600/- and Rs.25,600/- under two Treasury Challans dated 14.12.2018.

Ms.T.Rajya Laxmi, learned counsel, would state that this would constitute payment of rentals up to January, 2019.

Mr.Ramachandra Reddy, learned counsel representing Mr.G.Narender Reddy, learned counsel for the Mandal Parishad Development Officer, Dubbaka, Medak District, now Siddipet District, would however state that he has no instructions as to whether the entire arrears have been cleared.

Perusal of the lease deed dated 11.08.2014 demonstrates that the lease of the petitioner is valid up to 11.08.2019.

Ms.T.Rajya Laxmi, learned counsel, would state that the petitioner would pay the entire rentals due and payable up to 11.08.2019 in lump sum within two weeks from today and subject to the same, the petitioner may be permitted to remain in occupation of the leased Mulgi No.6 till the expiry of the lease.

Mr.Ramachandra Reddy, learned counsel, would state that he has no objection to the same provided the petitioner has already cleared all arrears.

The writ petition is accordingly disposed of permitting the petitioner to clear the arrears, if any, that still remain unpaid and also pay the rentals due up to 11.08.2019 within two weeks from today. In the event the petitioner makes the said payment, the respondents shall allow the petitioner to remain in occupation of the leased Mulgi No.6 till expiry of the lease period on 11.08.2019.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

24th JANUARY, 2019

**Note: Issue C.C. in two days.
B/o Svv**