

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.929 of 2019

ORDER

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1 and Sri N. Praveen Kumar, learned Standing Counsel for respondent No.2.

2. This writ petition is filed seeking to declare the action of the 2nd respondent in not extending the lease period to shop No.1-5-24 situated at Jatra Ground, of petitioner, as illegal and arbitrary, and consequently direct the 2nd respondent to consider the representation of the petitioner dated 03.03.2018 for extension of lease for a further period of five years.

3. The petitioner asserts that her husband took the aforesaid shop on lease from the 2nd respondent-Panchayat, in 1985, with the initial rent of Rs.1,000/-per annum and since then, he was running the same by selling sweet popcorns and paying rent regularly. Thereafter, the rent was enhanced from time to time by extending the lease period. After demise of her husband, petitioner is running the said shop and at present, she is paying rent at Rs.41,500/-per annum without any default. The petitioner further asserts that she made a representation dated 03.03.2018 to the 2nd respondent requesting to extend the lease period of the shop for a further period of 5 years. But the same has not been considered by the 2nd respondent.

4. Learned Standing Counsel for the 2nd respondent submits that the petitioner has been in possession of the subject property for a long period and in the event the auction is conducted, she can participate and take the property on lease.

5. Having regard to the facts and circumstances of the case and the submission of the learned Standing Counsel for the 2nd respondent, the Writ Petition is disposed of, with a direction to the 2nd respondent to consider the representation dated 03.03.2018 of the petitioner and take a decision as to whether to continue her lease period or to conduct auction with respect to the subject shop, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

6. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

23rd January, 2019

sj