

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7023 of 2019

ORDER:

The action of the respondent-Hyderabad Metropolitan Development Authority (HMDA) in issuing the impugned Cancellation Order dated 27.03.2019, affixing the same on the petitioner's premises, M/s Vita & E-Orbit Technologies, Block No.201, Maitrivanam Complex, and seizing the premises, is challenged on the ground that no notice was served on the petitioner prior to issuance of the Cancellation Order and seizing the premises.

2. The case of the petitioner is that he has taken on lease the aforestated premises from the respondent-HMDA vide registered Lease Document No.2331/2014 on a monthly rent of Rs.64,345/-, to be enhanced by 5% every year, and the lease is for a period of three years commencing from 01.12.2015. In the said premises, the petitioner is running an institute under the name and style of M/s Vita & E-Orbit Technologies, and imparting computer training and also courses like IELTS, TOEFL etc. On the ground that the petitioner defaulted in payment of monthly rent, which aggregated to Rs.33,29,837/- as of March, 2019, the impugned cancellation order was issued cancelling the lease and seizing the premises. The petitioner submitted a representation on 30.03.2019 furnishing his proposed payment of arrears and requested to withdraw the cancellation order dated 27.03.2019. As no action was forthcoming from the respondent authorities on his representation, this writ petition was filed.

3. Heard Sri Ch. Srinivas, learned counsel for the petitioner, and Sri Y. Rama Rao, learned Standing Counsel for respondent-HMDA.

4. In the facts and circumstances of the case, subject to the condition of the petitioner filing proof of payment of Rs.5,00,000/- within one week, the seizure shall be lifted. The petitioner undertakes to pay a further amount of Rs.5,00,000/- within one week thereafter. After paying a total of Rs.10,00,000/- as scheduled above, the petitioner shall get liberty to approach the respondent-HMDA requesting to grant some reasonable timeframe for payment of balance amount payable as reflected in the impugned cancellation notice dated 27.03.2019, which shall be considered by the respondent. It is made clear that if the petitioner fails to pay the amount of Rs.10,00,000/- as directed above, the stay shall stand vacated automatically without further reference to the Court, and the respondent-HMDA will be at liberty to take possession of the premises.

5. The writ petition stands disposed of accordingly. No costs. Miscellaneous petitions, if any pending, shall stand closed.

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JUSTICE CHALLA KODANDA RAM

04<sup>th</sup> April, 2019

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