

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

**WRIT PETITON Nos.16471, 16472, 16475, 16490, 16493,
16495 & 16533 of 2019**

COMMON ORDER:

Since the issue involved in all these writ petitions is one and the same, they are being heard together and disposed of by way of this Common Order.

All these writ petitions are filed assailing the action of the 2nd respondent in issuing impugned notices in the month of July, 2019 for vacating the shops, in which the petitioners are running businesses, within a period of 30 days from the date of receipt of such notices.

Heard Sri B.Mohan, learned counsel for the petitioners, who submits that though the petitioners are continuing in the shops from the date of death of original allottees and the respondents having accepted the rents paid by the legal heirs of the original allottees, petitioners herein, now they cannot turn around and cancel the licenses on the ground that original allottees expired. He also submits that the petitioners are all petty business vendors eking out their livelihood by running business in the allotted shops and that the petitioners alone are singled out and discriminated by canceling the licenses.

On the other hand, Sri Ch.Samson Babu, learned Standing Counsel for the respondents-BHEL, while reiterating the counter averments, submits that in all the writ petitions, after the death of original allottees, license was cancelled by virtue of clause 13.7 of

the license agreement. He submits that only seven persons approached this Court and others have vacated the shops, after receiving of notices. He further submits that initial allotment was also based on the public auction and when once the shops in questions are vacated, the leasehold rights of the said shops will be put in public auction. He further submits that in spite of granting sufficient time for vacating the premises, after the death of the original allottees, the petitioners failed to vacate the same, as such, no legal right of the petitioners is infringed and that the writ petitions cannot be entertained by this Court.

A perusal of the copy of the license agreement goes to show that the leases granted in favour of petitioners expired in the year 2018, which commenced from the year 2014. Admittedly, as per clause 13.7 of the license agreements, the respondents have power to cancel the leases on the death of original allottee. As such, this Court is of the considered opinion that no legal right of the petitioners is infringed. Even according to the license agreements, the period of lease expired long back and the original allottees expired.

Since learned Standing Counsel for the respondents-BHEL submits that BHEL intends to lease out the subject shops through public auction, if the petitioners are interested, they can also participate in the said auction, if they are otherwise eligible. As the petitioners are stated to be continuing for a long period of time, two months time is granted for vacating their respective premises/shops, in which they are carrying on business/trade,

subject to payment of arrears of rent, if any, and rent is for two months.

With the above direction, these Writ Petitions are disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

26-08-2019
kvs

A.RAJASHEKER REDDY,J



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Date 26.08.2019.

kvs