

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19615 OF 2019

ORDER:

The Writ Petition is filed seeking a direction to the respondents to fix rent of shop No. 19 in Municipal Mulgi No. 5-7-63/10/11, Shopping Complex, SBH Road, Marwadi Panchayat Bhavan Dharmashala, Adilabad Town on par with shops allotted by the Municipal Department, pursuant to G.O.Ms.No. 63, Municipal Administration, dated 14.02.1996.

The case of the petitioner is that he was allotted the subject shop under 'physically handicapped' quota, in an open auction conducted by the respondents on 04.05.2007. Subsequently, *vide* proceedings dated 27.09.2018, the 4th respondent enhanced the monthly rent from Rs.10,395/- to Rs.15,593/- for a period of two years from 22.03.2018 to 21.09.2020, followed by issuance of another G.O. dated 29.11.2018 directing him to pay 18% of GST on monthly rent. The complaint of the petitioner is that the above enhancement is not in conformity with G.O.Ms.No. 63, dated 14.02.1996 and that though he submitted the reply dated 19.08.2019, the same is not considered yet.

Heard learned counsel for the petitioner.

On the other hand, learned Standing Counsel for the 4th respondent asserts that the Government Order issued by the Municipal Administration Department has no application to the properties of the Endowments Department.

Though the petitioner claims that he is a handicapped person, in the absence of any special provision giving concession to the said category, this Court cannot direct to extend the same with respect to the lease rentals, as, primarily, the enhancement of lease rental is governed by the mutual consent. As rightly

submitted by the learned Standing Counsel for the 4th respondent, the Government Order issued in relation to the properties by the Municipal Department has no application to the properties of the Endowments Department. The lease rentals to be fixed on any property would depend upon the demand and supply in a particular locality and the nature and purpose for which it is used.

In those circumstances, the *mandamus*, which the petitioner seeks, particularly to consider his case in accordance with G.O.Ms.No. 63, dated 14.02.1996 cannot be issued as a matter of right. However, it is directed that the request of the petitioner may be considered keeping in view the factors like locality, purpose, demand and supply.

With the above order, the Writ Petition is closed. No costs.

Consequently, the miscellaneous Applications, if any stand closed.

CHALLA KODANDA RAM, J

12th September 2019

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