

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.21750 of 2019

ORDER:

The case of the petitioner is that he was a lessee of a shop at Sangareddy Bus station after being successful bidder in an auction conducted for that purpose. The lease was for a period of five years commencing from 2017 and the nature of business that is notified to be conducted in the shop in question was "*bakery business*". While so, the petitioner was issued with a notice dated 12-07-2017 calling for explanation for doing business in the shop other than the notified in the deed of licence, to which the petitioner submitted his explanation stating that due to tea stall and fruit stall shops in front of his shop, he did not have business in his bakery shop and sustained huge losses. That without considering the explanation, the 2nd respondent by order dated 05-12-2017 terminated the lease and forfeited the security deposit. The petitioner assailed the same by way of filing a suit being OS No.10 of 2018 on the file of Senior Civil Judge, Sangareddy. The interlocutory application being IA No.1262 of 2018 filed for ad-interim injunction was dismissed by the trial Court on the ground that the petitioner failed to prove prima facie case and balance of convenience in his favour. The said order was unsuccessfully assailed in CMA No.19 of 2018 and against the order passed in CMA No.19 of 2018, civil revision petition was preferred before this Court being CRP No.2206 of 2019 and the same is pending.

02. The grievance of the petitioner is that on 19-09-2019, when the petitioner was away from the shop to take his lunch, the

respondent-authorities illegally entered the shop in question and lifted the valuable stocks worth Rs.5 Lacs and dispossessed him from the shop without following the due process of law.

03. Heard the learned counsel for the petitioner and the learned Standing Counsel for the Respondents.

04. The correctness or otherwise of the cancellation of the licence granted in favour of the petitioner is a subject matter of suit OS No.10 of 2018 and it is sub-judiced by the trial Court. However, inasmuch it is stated that the stocks of the petitioner are taken away by the respondent-authorities, which the learned Standing Counsel strongly disputes, as such it is open for the petitioner to make representation to the 3rd respondent and on such a representation being made by the petitioner, it is for the 3rd respondent to consider the same and pass orders thereon and return the stocks, if any taken custody from the shop in question, as alleged by the petitioner. The writ petition is disposed of accordingly. As a sequel, miscellaneous petitions, if any, pending shall stand disposed of. No order as to costs.

A.RAJASHEKER REDDY, J

Dated: 01-10-2019

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