

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.26432 of 2018

ORDER

This Writ Petition is filed seeking the following relief:

“to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the action of the respondent No.3 in collecting rents from the petitioners and demanding for enhancement and attempting to dispossess them from their shops on land under Sy.No.500, Sadashivpet Mandal, Sangareddy District, is highly illegal, arbitrary and in violation of the proceedings No.09/M2/MDK/90/Zone-11, dated 28.2.2018. Consequently this Honble Court may be pleased to direct the respondent No.2 to take action against the respondent No.3 for their illegal activities as per the notice issued by the petitioner, dated 16.7.2018 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstance of the case.”

Heard learned counsel on either side.

It is the case of the petitioners that they are tenants of the 2nd respondent since 2011 and it is an oral tenancy. They are paying rents regularly to the 2nd respondent without any default. In spite of the same, the 2nd respondent is refusing to receive the rents from 2018 and taking steps to dispossess the petitioners. As of now, the petitioners are paying Rs.1,000/- towards rent. In spite of sending the rent through money order, the 2nd respondent is not accepting the same.

Learned counsel appearing for the petitioners contended that appropriate orders be passed in the writ petition directing the respondents to follow due process of law before evicting the petitioners and further direct the respondents to accept the rent from the petitioners on monthly basis.

Learned Standing Counsel appearing for the 2nd respondent contended that the petitioners are not tenants, and they are encroachers. They are paying meagre amount of Rs.1,000/- towards rent and as per the market value, the rent of the premises is more than Rs.4,000/-. It is further contended that the petitioners will not be dispossessed from the subject premises without following due process of law subject to condition that they shall pay the rent as per the market value.

Learned counsel appearing for the petitioners contended that the petitioners are willing to pay the enhanced rent of Rs.4,000/- per month from February, 2020 onwards.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this writ petition can be disposed of directing the respondents not to dispossess the petitioners from the subject premises without following due process of law, subject to

condition that the petitioners deposit the monthly rent of Rs.4,000/-.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 31.01.2020

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