

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 19972 OF 2014

Between:

1. Sri. B. Venkateswara Rao, S/o. Late B. Narasimha Rao, age 49 years, Occ Business, R/o. Plot No. 7, Road No. 3, Kakatiya Nagar, Habsiguda, Hyderabad - 7
2. B. Sajjanamma, W/o Late B. Narsimha Rao Age 77 years Occ Household R/o - Plot No. 7, Road No. 3, Kakatiya Nagar, Habsiguda, Hyderabad - 7

...PETITIONERS

AND

1. Chairman AND Managing Director, M/s. Bharat Petroleum Corporation Ltd., Bharat Bhavan, 4 and 6, Ballard Estate Currim Bhoy Road, Bellard Estate, Mumbai - 400001.
2. Executive Director (LPG), M/s. Bharat Petroleum Corporation Ltd., Bharat Bhavan, 4 and 6, Ballard Estate Currim Bhoy Road, Bellard Estate, Mumbai - 400001.
3. The Territory Manager (LPG), M/S. Bharat Petroleum Corporation Ltd., HCL Post, APIIC, I.D.A., Phase III Cherlapalli, Hyderabad - 500051.
4. M/s. Bharat Petroleum Corporation Limited, Regional LPG Manager, Ranganathan Garden OFF 11th main road Anna Nagar Chennai-400060.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of MANDAMUS, declaring the inaction of the respondents in not acting upon the representations made by the petitioners father as well as the legal notice sent through their advocate dt. 27-05-2014 seeking to fix the rents on the present market value for the lease property situated in Plot No.14, 15 and 16 Sy. No. 79, 80, 85 and 86, Saheb Nagar, Kurd Revenue Village, Jahangir Colony, Vanasthalipuram, Hyderabad as illegal, arbitrary, and against to the principles of Natural Justice and consequently direct the respondents to fix the rents on the present market value for the showroom and godown situated in Plot No. 14, 15 and 16 Sy. No. 79, 80, 85 and 86, Saheb Nagar, Kurd Revenue Village, Jahangir Colony, Vanasthalipuram, Hyderabad and also direct the respondents to pay the entire arrears of rent upto date to the petitioners.

Counsel for the Petitioner: SRI BUJJIBABU DAVULURI
Counsel for the Respondents: SRI O.MANOHER REDDY
The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.19972 OF 2014

ORDER:

Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the respondents.

2. The petitioners approached this Court seeking the relief as under:

"To issue a writ, order or direction more particularly one in the nature of writ of MANDAMUS, declaring the inaction of the respondents in not acting upon the representations made by the petitioners father as well as the legal notice sent through their advocate dt 27.05.2014 seeking to fix the rents on the present market value for the lease property situated in Plot No. 14, 15 and 16 Sy.No.79, 80, 85 and 86, Saheb Nagar, Kurd Revenue Village, Jahangir Colony, Vanasthalipuram, Hyderabad as illegal, arbitrary, and against to the principles of Natural Justice and consequently direct the respondents to fix the rents on the present market value for the showroom and godown situated in Plot No.14, 15 and 16 Sy.No. 79, 80, 85 and 86, Saheb Nagar, Kurd Revenue Village, Jahangir Colony, Vanasthalipuram, Hyderabad and also direct the respondents to pay the entire arrears of rent upto date to the petitioners and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case."

3. The case of the petitioners in brief:

The 1st petitioner's father has taken the open land admeasuring 1500 square yards situated at plot No.14,15 & 16 in Sy.No.79,80, 85 & 86, Saheb Nagar, Kurd Revenue Village, Jahangir colony, Vanasthalipuram, Hyderabad vide lease dated 12.01.1994 for a period of 15 years for establishment of LPG distributorship under the name and style of M/s. Bharadwajasa Agencies and constructed the godown and showroom for running the LPG distributorship, for constructing the said godown and showroom the petitioner had incurred huge expenditure, and he also obtained all necessary permissions from the competent authorities like HUDA, Municipal permission etc. Subsequently, as per the directions of the Hon'ble Apex Court in S.L.P (C) No.8755 of 2002, dated 15-07-2002 the said godown and showroom was handed over to the Bharat Petroleum Corporation on 20.07.2002 and the 1st petitioner's father died on 01.11.2013 leaving petitioner Nos.1 and 2 as legal heirs.

4. It is the specific case of petitioners that legal notice was issued to respondents herein on 27.05.2014. The petitioners made a specific request for fixation of fair rent regarding the

land i.e., M/s. Bharadwajasa Agencies and since the subject go-down and showroom was handed over to the Bharat Petroleum Corporation on 20.07.2002. The 1st petitioner's late father had made repeated representations dated.08.06.2006, 18.11.2006, 12.02.2007, 25.06.2007, 30.10.2008, 18.06.2009 etc., to the respondents for fixation of rents and release of rental amounts to the subject premises. The respondents herein had however not considered the same till as on date and that the respondents have paid rent only for a period of six (06) months at the rate of Rs.8,500/- per month. Aggrieved by the same, petitioner filed the present writ petition.

5. Learned counsel appearing on behalf of respondents submits that the writ petition can be disposed of directing the respondents to consider the pleas as put forth by the petitioner through the legal notice dated 27.05.2014 within a reasonable period.

6. Taking into consideration the said submissions made by the learned counsel appearing on behalf of respondents, the Writ Petition is disposed of directing

respondents to consider the grievance of petitioners as put forth in legal notice dated 27.05.2014 within a period of four (04) weeks from the date of receipt of a copy of this order and pass appropriate orders in accordance to law, in conformity with principles of natural justice by providing reasonable opportunity of hearing to the petitioners and duly communicate the decision to the petitioners. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

//TRUE COPY//

SD/-N. SRIHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. One CC to SRI BUJJIBABU DAVULURI, Advocate [OPUC]
2. One CC to SRI O.MANOHER REDDY, Advocate [OPUC]
3. Two CD Copies

PSK.
GJP

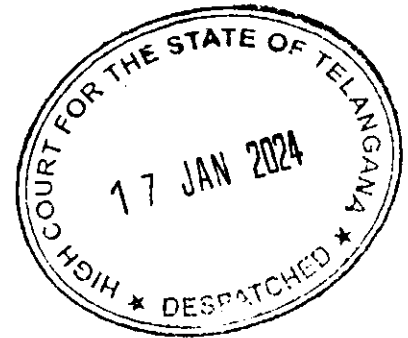


HIGH COURT

DATED:06/12/2023

ORDER

WP.No.19972 of 2014



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

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K. N. S. R.
06/11/2024