

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND**

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT APPEAL NO: 1444 OF 2024

Writ Appeal under clause 15 of the Letters Patent Filed Against the Order Dated- 25/11/2024 in writ petition No.23190 of 2024 on the file of the High Court.

Between:

1. G. Bhoomaiah, S/o. Ramaiah, Aged about 65 Years Occ- Business Shop No. 1 Market Road Vegetable Market, Karimnagar, Karimnagar District.
2. Fayaz, S/o. Ghouse, Aged about 43 Years, Occ- Business Shop No. 7 Market Road Vegetable Market, Karimnagar District,
3. M. Arena, W/o. Laxmi Narayana, Aged about 48 Years, Occ- Business Shop No. 6 Market Road Vegetable Market, Karimnagar District.
4. B. Sathish, S/o. Rajesham, Aged about 39 Years, Occ- Business Shop No. 9 Market Road Vegetable Market, Karimnagar District.

**.....APPELLANTS/
WRIT PETITIONERS 1, 10, 5 & 6**

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Telangana State, Secretariat buildings, Hyderabad.
2. The Karimnagar Municipal Corporation, Rep by its Commissioner Having Office at Karimnagar District.
3. The Deputy- Commissioner, Municipal Corporation Karimnagar, Karimnagar District.
4. The Telangana State Waif Board, Rep by its CEO Haj House Nampally Hyderabad.

....RESPONDENTS/RESPONDENTS

5. G. Premnath, S/o. Rajaiah, Aged about 61 Years, Occ- Business Shop No. 2 Market Road, Vegetable Market, Karimnagar District.

6. D. Ramesh Singh, S/o. Kishan Singh, Aged about 40 Years Occ- Business Shop No. 4 Market Road Vegetable Market, Karimnagar District.
7. K. Malleshham, S/o Jaggaiah Aged about 56 years, Occ- Business Shop No. 5 Market Road, Vegetable Market Karimnagar District.
8. P. Maruthi Reddy, S/o. Ramalingaiah, Aged about 65 Years, Occ- Business Shop No. 13 Market Road Vegetable Market, Karimnagar District.
9. D. Srirangam, S/o. Narsaiah, Aged about 52 Years, Occ- Business Shop No. 14 Market Road Vegetable Market, Karimnagar District.
10. M. Ramesh, S/o. Late M. Rajamallu, Aged about 40 Years, Occ- Business Shop No. 3 Market Road Vegetable Market, Karimnagar District.
11. T. Bhaskar, S/o. T. Veeresham Aged about 45 Years, Occ- Business Shop No. 8 Market itc, c1 Vegetable Market, Karimnagar District.
12. K. Srinivas, S/o. Late. K. Venkatgesham, Aged about 55 Years, Occ- Business Shop No. 5 Market Road Vegetable Market, Karimnagar District.
13. Md. Ibrahim, S/o. Md. Shafi, Aged about 37 Years Occ- Business Shop No. 11 Market Road Vegetable Market, Karimnagar District. Writ Petitioners

(The respondents 5 to 13 are not necessary parties in the present appeal)

.....RESPONDENTS/WRIT PETITIONERS

I.A.NO:2 OF 2024

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the orders passed in W.P.No.23190 of 2024 dated 25/11/2024 by directing the respondents 2 to 4 not to evict/dispossess the petitioners from the shops premises situated at Rajiv Gandhi Shopping Complex, Karimnagar at KMC Complex Main Vegetable market, Karimnagar pending disposal of the main writ appeal.

Counsel for Appellants : SRI RAVENDAR SAMALA

Counsel for Respondent No.1 : SRI MURALIDHAR REDDY KATRAM, AGP FOR REVENUE

Counsel for Respondent No.2 & 3 : SRI K.PRABHAKAR RAO

Counsel for Respondent No.4 : SRI FARHAN AZAM KHAN

Counsel for Respondent Nos.5 to 13 : ---

The Court made the following JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1444 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Samala Ravendar, learned counsel for the appellants.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue for the respondent No.1.

Mr. Kadaru Prabhakar Rao, learned counsel for the respondents No.2 and 3.

Mr. Farhan Azam Khan, learned Standing Counsel for the respondent No.4.

2. Heard on the question of admission.

3. This intra court appeal is filed against the order dated 25.11.2024 passed by the learned Single Judge by which the writ petition preferred by the appellants and others, namely W.P.No.23190 of 2024, has been disposed of directing the appellants to vacate the subject shops

within a period of 30 days. The appellants have also been granted the liberty to submit a representation with regard to the arrears of rent to the Karimnagar Municipal Corporation and the Karimnagar Municipal Corporation has been directed to decide the same.

4. Facts giving rise to filing of this appeal briefly stated are that 21 shops were constructed by the Karimnagar Municipal Corporation in the shopping complex known as Rajiv Gandhi Shopping Complex (hereinafter referred to as, "the complex"). The aforesaid 21 shops were leased out to the appellants and others as tenants on monthly rent about thirty years ago. It is not in dispute that the lease deed executed in favour of the appellants has expired.

5. The Deputy Commissioner, Karimnagar Municipal Corporation, conducted an open auction on 06.03.2024 in respect of the shops in the complex. The appellants thereafter, by a communication dated 06.08.2024, were informed that the open auction in respect of the subject shops was conducted on 06.03.2024 and the appellants were asked to handover the possession of the shops to the

successful bidders in the auction. The Deputy Commissioner requested the appellants to vacate the shops within 24 hours and to pay the arrears of rent for the period from 01.04.2020 to 31.07.2024.

6. The appellants challenged the aforesaid notice in a writ petition, *inter alia*, on the ground that the time of 24 hours granted to vacate the shops is unreasonable and the appellants should be granted six months time to vacate the shops in question. It was also pleaded in the writ petition that the respondents had seized the shops in the month of March, 2024, and therefore, the appellants were not in a position to conduct their business. It was also pleaded that the appellants are not liable to pay any amount towards arrears of rent as claimed in the notice dated 06.08.2024. It was also pleaded that in view of the interim order of stay granted in W.P.No.39802 of 2016, the appellants cannot be asked to vacate the shops.

7. The learned Single Judge, by an order dated 25.11.2024, *inter alia*, held that the lease executed in favour of the appellants for the shops in question has

already expired. However, the learned Single Judge found that 24 hours time granted to vacate the premises is unreasonable. The learned Single Judge, therefore, modified the time to vacate the premises to thirty days. The learned Single Judge further directed that since there is a dispute with regard to payment of rent, the appellants are at liberty to submit a representation to the Karimnagar Municipal Corporation and the said Corporation shall decide the representation which may be submitted by the appellants by affording an opportunity of hearing. It was further directed that in case it is found that the appellants are due and liable to pay the arrears of rent, the same shall be determined and shall be recovered from the appellants. Accordingly, the writ petition preferred by the appellants was disposed of. Hence this appeal.

8. Learned counsel for the appellants, at the outset, submitted that the lease deed executed in favour of the appellants has already been expired. However, it is submitted that the appellants be granted two months time

to vacate the premises as the appellants have not recovered the amount due to them from their customers.

9. We have considered the submissions made by the learned counsel for the appellants and have perused the record.

10. A Division Bench of this Court, by judgment dated 01.07.2024 passed in W.A.No.352 of 2024, has categorically recorded a finding that the lease deed executed in favour of the appellants in respect of the shops in question has expired long back and the appellants have no statutory right to insist that the auction in respect of the shops in question should not be conducted. In other words, the validity of the auction conducted on 06.03.2024 has already been upheld. The Division Bench of this Court in the aforesaid judgment had granted liberty to the appellants to participate in the auction. However, the appellants have not disclosed whether in pursuance of the liberty granted to them, they have participated in the auction. Therefore, the Karimnagar Municipal Corporation is under an obligation to handover possession of the shops

in question to the auction purchasers. The appellants have no legal right to continue in the shops in question beyond the period of lease.

11. For the aforementioned reasons, we do not find any ground to differ with the view taken by the learned Single Judge.

12. In the result, the writ appeal fails and is hereby dismissed.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

SD/- M.MANJULA
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To

1. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
2. One CC to SRI RAVENDAR SAMALA, Advocate [OPUC]
3. One CC to SRI K.PRABHAKAR RAO, SC FOR MPCL [OPUC]
4. One CC to SRI FARHAN AZAM KHAN, SC FOR TSWB [OPUC]
5. Two CD Copies

SA

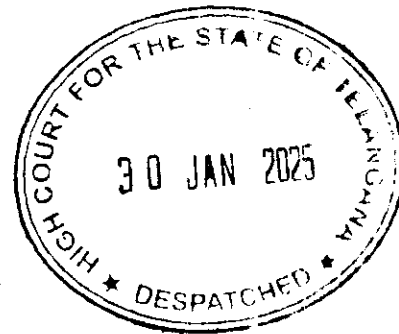
PSK ✓

HIGH COURT

DATED:31/12/2024

JUDGMENT

WA.No.1444 of 2024



**DISMISSING THE W.A
WITHOUT COSTS.**

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L.B
21/1/25