

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

WRIT PETITION No.4424 of 2023

ORDER:-

This Writ Petition for a mandamus is filed to declare the notice, dated 06.02.2023, issued by respondent No.2 directing the petitioner to vacate shop room No.3 in first floor of Adoni Municipal Shopping Complex, as illegal and consequently prayed to set aside the said notice.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Municipal Administration & Urban Development appearing for respondent No.1 and Sri N. Ranga Reddy, learned Standing Counsel for respondent No.2.

The shop room in question, which is shop No.3, has been in Adoni Municipal shopping complex. It was earlier leased out to the father of the petitioner. After the death of the father of the petitioner, the petitioner has been continuing as a tenant in respect of the said shop room. While so, the impugned notice was issued to the petitioner on 06.02.2023 demanding him to vacate the said shop room within 15 days on the ground that the municipal authorities are now contemplating to construct a new shopping complex and a tender process is also initiated for the said purpose.

The petitioner questions the legal validity of the said notice on the ground that no show cause notice was issued to the petitioner before demanding him for vacating the said shop and no opportunity is given to him to submit his explanation

and as such the impugned notice is violative of principles of natural justice.

Sri N. Ranga Reddy, learned Standing Counsel for the 2nd respondent would submit that they would consider the representation of the petitioner or the explanation that may be submitted by the petitioner in this regard and then pass appropriate orders according to law.

Therefore, recording the aforesaid submission of learned Standing Counsel for the 2nd respondent, the Writ Petition is disposed of directing the petitioner to treat the impugned notice, dated 06.02.2023, as a show cause notice issued to him for eviction and submit his explanation to the same to the 2nd respondent, within two weeks from the date of this order. After receiving the said explanation, the 2nd respondent shall consider the same and then pass appropriate orders on it according to law. The petitioner also shall clear the arrears of rent, if any, in respect of the said shop room. Till the above process is completed, no steps shall be taken by the respondents to evict the petitioner from the said shop room. No costs.

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

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date: 23.02.2023
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