

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**  
**THE HON'BLE SRI JUSTICE NINALA JAYASURYA**  
**W.P. Nos.7026, 7030, 7040, 7058, 7067 & 7200 of 2023**

Between:-

W.P. No.7026 of 2023

Bhaviri Deepak Lalith Kumar

..... Petitioner

and

The State of Andhra Pradesh, through the Principal Secretary,  
Department of Panchayat Raj & Rural Development,  
Secretariat, Velagapudi, Amaravathi,  
Guntur District, and others

..... Respondents

Counsel for the petitioner(s) : Mr.Ghantasala Udaya Bhaskar

Counsel for respondents : The G.P. for Panchayat Raj and  
Rural Development

**COMMON ORDER:**

These writ petitions are filed seeking to declare the action of the respondent Nos.3 and 4 in trying to evict the petitioners from the shops in question, pending consideration of their representations for renewal of lease of the shops, as illegal, unjust, arbitrary, violative of rights guaranteed under Articles 14, 19, 21 and 300A of the Constitution of India, and for a consequential direction to set aside the eviction notices dated 13.2.2023.

2. Learned counsel for the petitioners submits that pursuant to the auction conducted by the 3<sup>rd</sup> respondent, the petitioners were allotted the shops in Rajeev Gandhi Shopping Complex, Challapalli, from 2006 onwards. He submits that in the year 2011, rentals of the shops were enhanced and the petitioners had paid the same without any demur. He submits that in the year 2016, the leases in respect of the subject matter shops were renewed for five more years and the petitioners are continuing in the leased shops as on today by paying the rents without any arrears.

3. While so, the learned counsel submits that the 4<sup>th</sup> respondent issued the notice dated 13.2.2023 calling upon the petitioners as well as other tenants of the shops in the shopping complex to vacate and handover the same within one month from the date of receipt of the notice. He submits that the said notice was issued in view of the orders passed in Writ Petition No.39989 of 2022, dated 14.12.2022. Be that as it may, the learned counsel submits that the petitioners made applications/representations requesting respondent Nos.3 and 4 to extend the lease

period for a further period of five or more years, by enhancing the rentals, without conducting public auction. He submits that as the respondent Nos.3 and 4 are proceeding with the auction, without considering the representations, the present writ petitions are filed.

4. Learned counsel for the petitioners submits that as the petitioners are ready and willing to pay the enhanced rent in respect of the subject matter shops, respondent Nos.3 and 4 are required to consider the request of the petitioners and their proposed action to conduct public auction is unjust. He, accordingly, seeks appropriate directions to consider the representations of the petitioners and pending consideration of the same, not to evict them from the subject matter shops.

5. Learned Standing Counsel, on the other hand, submits that the eviction notices are issued to the petitioners in the light of the orders passed by this Hon'ble Court in Writ Petition No.39989 of 2022, dated 14.12.2022 and the reasons for issuing the notice are specifically mentioned in the notice dated 13.2.2023. He submits that

the petitioners are continuing in the shops in question for the last several years and as the respondent Authorities are proposing to lease out the shops in respect of the entire shopping complex by conducting public auction, it is open for them to participate in the said auction. He also submits that a similar representation of one of the leaseholders was considered and rejected pursuant to the orders in Writ Petition No.5301 of 2023, dated 24.3.2023, and along with the said representation, the representations of the petitioners were also considered and rejected vide proceedings of the 3<sup>rd</sup> respondent, dated 25.3.2023. In such circumstances, learned Standing Counsel submits that the relief sought for by the petitioners deserves no consideration and the writ petitions are liable to be dismissed.

6. Considered the submissions made and perused the material on record, including the proceedings of the 3<sup>rd</sup> respondent dated 25.3.2023. On an appreciation of the contentions raised and submissions made in the writ petitions, it is not in dispute that the petitioners are

continuing in the shops in question even after the lease period is expired long back. Though the learned counsel for the petitioners submits that the petitioners are not in arrears of rents and the petitioners are ready and willing to pay the enhanced rentals, that may not be a relevant aspect for permitting the petitioners to continue in the subject matter shops, when the respondent Nos.3 and 4 are taking steps to conduct public auction in respect of the shops in question, in accordance with law, more particularly in the light of the orders in Writ Petition No.39989 of 2022 referred to above.

7. Further, the representations of the petitioners have already been rejected through the proceedings dated 25.3.2023. It may be appropriate to observe here that once the lease period is expired, the leaseholder will not have any right to continue in the leased premises. In view of the proceedings dated 25.3.2023, no relief, as sought for by the petitioners, can be granted and the writ petitions are liable to be dismissed.

8. At this juncture, learned counsel for the petitioners states that as the petitioners are continuing in the subject matter shops for the last several years, sufficient time of three months may be granted to them to vacate the subject matter shops. Considering the said submission, while dismissing the writ petitions, for the reasons stated above, it is deemed appropriate to allow four weeks time from today to the petitioners to vacate the subject matter shops. It is needless to observe that the petitioners are at liberty to participate in the proposed auction to be conducted by the respondent Nos.3 and 4, in accordance with law, without much delay.

9. With the above observations, the writ petitions are dismissed. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

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**JUSTICE NINALA JAYASURYA**

March 28, 2023  
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