IN THE HIGH COURT OF KARNATAKA DHARWAD BENCH

Dated this the 29th day of April 2016

Before

THE HON'BLE MR.JUSTICE B.MANOHAR

W P No.103314/2016 (LB-RES)

Between:

Sri K M Nagaraj
s/o late K M Kotraiah
aged about 44 years
Occ: Merchant, r/o N C Colony
Hosapete, Post & Taluk
Ballari District.   .. Petitioner

(By Sri Sathish M S, Adv.)

A n d :

The Competent Officer
-cum- Commissioner
City Municipal Council
Hosapete.   ..Respondent

        This petition is filed under Articles 226 & 227 of the Constitution of India praying to quash the impugned notice in Form-A issued by the respondent dated 3.2.2106 as produced and marked at Annexure-D and direct the respondent to consider the application of petitioner seeking extension of lease application dated 20.12.2010 as per Annexure-B and allow the petitioner to continue

for further period of 12 years as per the government Circular dated 26.10.2009 vide Annexure-F.

This petition coming on for preliminary hearing this day, the Court made the following:

ORDER

Petitioner in this writ petition has sought for quashing the notice dated 3.2.2016 issued by the respondent directing him to vacate the schedule premises on the ground that the lease period has been expired. If he fails to vacate the premises, action will be taken under the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974.

2. The petitioner is the tenant of the schedule premises and even after the expiry of lease period, he has failed to vacate the premises. The impugned notice has been rightly issued calling upon him why he should not be evicted from the premises. The said notice cannot be questioned. As a matter of right, the petitioner cannot seek for continuation of lease period.

The public premises are to be allotted only in the public auction.   Admittedly, the lease for the petitioner's schedule premises has already been expired.   Hence, the impugned notice issued by the respondent cannot be questioned.

Accordingly, writ petition is dismissed.   However, this order will not come in the way of the petitioner pursuing his representation.

Sd/-
JUDGE

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