

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

**WEDNESDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 36523 OF 2015

Between:

K.S. Mani, W/o. Late Mallesh (freedom fighter), age 56 years, Occ ; STD Booth Business, R/o. Shop No.5 S.C Shopping Complex, New Boiguda, Secunderabad - 8.

.....PETITIONER

AND

1. The Executive Director, Schedule Caste Service, Co-operative Society Ltd., Hyderabad.
2. The Collector, Hyderabad District, Hyderabad.
3. The State of Telangana, rep. by its Principal Secretary, Social Welfare Department, Secretariate, Hyderabad.

.....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 or direction more particularly one in the Nature of Writ of Mandamus declaring the proposed action of the respondents in making efforts to allot the shop No.5 in New Boiguda, shopping complex, Secunderabad to the 3rd parties by evicting the petitioner which was allotted by the respondents 1 and 2 in favour of the petitioner in the year 1987 as illegal, arbitrary and unconstitutional and violative of Principles of Natural Justice and consequently direct the respondents not to evict the petitioner from her shop and continue the petitioner as usual as a tenant.

I.A.NO:1 OF 2015(WPMP. NO: 47040 OF 2015)

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 continue the petitioner in her shop No.5 in New Boiguda, shopping complex Secunderabad which was allotted in his favour by the respondents in the year 1987 as usual, pending disposal of the above writ petition.

I.A.NO:1 OF 2016(WVMP. NO: 1132 OF 2016)

Between:

1. The Executive Director, Schedule Caste Service, Co-operative Society Ltd., Hyderabad.
2. The Collector, Hyderabad District. Hyderabad.

...PETITIONERS/RESPONDENTS

AND

1. State of Telangana, rep. by its Principal Secretary, Social Welfare Department. Secretariate, Hyderabad.

....RESPONDENT/RESPONDENT

2. K.S. Mani. W/o. Late Mallesh (freedom fighter), age 56 years, Occ ; STD Booth Business. R/o. Shop No.5 S.C Shopping Complex, New Boiguda, Secunderabad - 8.

.....RESPONDENTS/PETITIONER

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 vacate the order dated 09.11.2015 passed in W.P.M.P.No.47040 in W.P.No.36523 of 2015 in the interest of justice.

Counsel for the Petitioner : SRI BUJJIBABU DAVULURI

**Counsel for the Respondent No.1 : SRI M.SUDHIR (SC FOR
APSCCFCORP,HYD)**

Counsel for the Respondent No.2 : GP FOR REVENUE

Counsel for the Respondent No.3 : GP FOR SOCIAL WELFARE

The Court made the following ORDER

HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.36523 of 2015

ORDER:

This writ petition is filed praying this Court to declare the action of the respondents in making efforts to allot the shop No.5 in New Boiguda Shopping Complex, Secunderabad to third parties by evicting the petitioner, which was allotted by respondent Nos.1 and 2 in favour of the petitioner in the year, 1987 as illegal, arbitrary and unconstitutional and violative of principles of natural justice and for other appropriate reliefs.

2. The case of the petitioner is that the respondents allotted shop No.5 in New Boiguda Shopping Complex, Secunderabad in favour of her husband *vide* proceedings No.777/SC/86 on monthly rent of Rs.70/- and since then he has been doing his business in the premises allotted in his favour by following the terms and conditions and the rent has been enhanced from time to time and now the monthly rent is of Rs.500/- per month. The grievance of

the petitioner is that the respondents are not accepting the rent and made efforts to dispossess her from the said shop.

3. This Court, *vide* order, dated 09.11.2015, granted interim order that the petitioner shall not be evicted from the subject shop without following due process of law.

4. Respondent Nos.1 and 2 filed a counter-affidavit, *inter alia* stating that the subject shop was allotted to for running a tailoring shop with rent of Rs.70/- per month. It is further stated that the said shop was sub-leased to a doctor by name Dr.M.E.Aruna for running clinic, as such a notice, dated 05.08.1991 was issued to evict the unauthorised occupant and the petitioner entered into an agreement-cum-undertaking, dated 13.08.1999 and promised to pay the total outstanding dues and pay rent regularly and that she shall abide by any action initiated by the Executive Director. Even after that, the petitioner failed to pay rent regularly and that the inspection report, dated 30.11.2010 reveals that the petitioner was using the shop as residence, which is violative of the terms and conditions of the original allotment. It is further stated in the counter

that since the petitioner failed to clear the rental dues even after sufficient time was given, cancellation orders have been passed *vide* Lr.No.866/SC/Hyd/2010, dated 26.06.2015 and interviews were conducted on 21.07.2015 by the District Selection Committee for fresh allotment of the said shop and also allotted the same to one Kum.D.Sharanya. Later, the petitioner made representations to accept the rents but the same was not accepted by the respondent authorities as the petitioner's allotment was cancelled by the District Collector on 26.06.2015 and the said shop was reallocated to another person and the rental arrears cannot be received by the respondents without permission of the Collector/Chairman. Therefore, prayed to dismiss this Writ Petition.

5. It is the case of the respondents that the petitioner was inducted as tenant of the subject shop and she has violated the terms and conditions of the said allotment order.

6. In view of the facts and circumstances of this case, this Court deems it appropriate to dispose of the writ

petition directing the respondents to take appropriate action for evicting the petitioner from the subject shop by following due procedure in accordance with law, in the event the petitioner has violated the allotment order.

7. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

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SD/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To

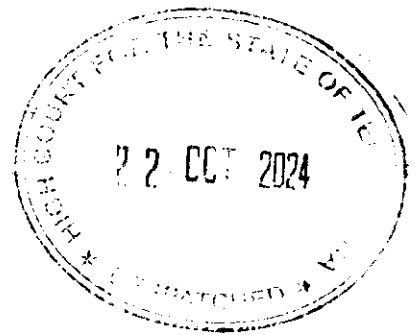
1. The Executive Director, Schedule Caste Service, Co-operative Society Ltd., Hyderabad.
2. The Collector, Hyderabad District, Hyderabad.
3. The Principal Secretary, Social Welfare department, Secretariate, State of Telangana at Hyderabad.
4. Two CC's to G.P for Social Welfare, High Court for the State of Telangana at Hyderabad. (OUT)
5. Two CC's to G.P for Revenue, High Court for the State of Telangana at Hyderabad. (OUT)
6. One CC to SRI BUJJIBABU DAVULURI, Advocate [OPUC]
7. One CC to SRI M.SUDHIR (SC FOR APSCCF CORP, HYD) [OPUC]
8. Two CD Copies

SA
GJP



HIGH COURT

DATED:31/07/2024



ORDER

WP.No.36523 of 2015

DISPOSING OF THE W.P
WITHOUT COSTS.

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27/09/24
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