

THE HONOURABLE SRI JUSTICE HARINATH.N
WP.Nos.22061 of 2023, 27039 of 2023, 9667, 10557, 9586, 10581, 10746,
11407, 14966, 15564 of 2024 and 9499 of 2025

COMMON ORDER:

1. The batch of writ petitions relate to NTR shopping complex of the 2nd respondent consisting of 38 shops in Gudur Municipality. All the writ petitions relate to allotment of shops of the said complex, as such, they are taken up together with the consent of the learned counsel appearing for the parties.
2. A common order can be passed in all these matters as the subject and issue related are one and the same. For the sake brevity the prayer sought for in each of the writ petitions is mentioned below for better understanding the scope of each of the writ petition.
3. The **WP.No.22061 of 2023** is filed to declare declaring the action of the Respondent No.2 in issuing Notice vide ROC.No.1950/2015/A1, dated 14.08.2023 and proceeding to evict the petitioner from the Shop Room No.10 (front row), NTR Shopping Complex in Municipal Old Bus Stand, Gudur Municipality, Gudur, Tirupati District without continuing the lease period of the petitioner is as arbitrary, illegal, unjust, unconstitutional and against the principles of natural justice, consequently directing the Respondents to continue the lease of the petitioner for the said shop room and pass

4. **WP.No.27039 of 2023** is filed to declare the action of the 3rd respondent in directing the Petitioner to vacate the Shop Room No. 19 of NTR Shopping Complex of Gudur Municipality on completion of 25 years of lease period by 14-10-2023 and taking steps to conduct open auction without renewing the same without issuing any notice and without calling for any explanation is arbitrary, unreasonable and accordingly set aside the impugned notice of the 3rd respondent vide ROC No. 195o/2015/Ai, dated 30-09-2023 and consequently direct the 3rd respondent not to interfere with the peaceful possession and enjoyment of the Shop Room No. 19 of NTR Shopping Complex, Gudur Municipality and to pass
5. WP.No.15564 of 2024 is filed to declaring the action of the f respondent in passing orders by sanctioning the allotment of shop rooms of the NTR shopping Complex, Gudur based on the proposals of the 2nd respondent to the eligible members of 5th respondent Association without following due process of law, without cancelling the lease hold rights of the existing lessees of the NTR shopping Complex, Gudur and further directing all the present lessees to hand over their shops for implementation of impugned order is arbitrary, unreasonable, without having power or authority and contrary to the rules and provisions of the A.P Municipalities Act, 1965 and accordingly set aside the impugned orders of the 1st respondent vide G.O. Rt. No. 665, Municipal Administration and Urban Development (J2) Department, dated 11-10-2023 and to pass such other and further orders

6. **WP.No.9499 of 2025** is filed to declare the declaring the action of the 1st respondent Government in passing impugned orders by sanctioning the allotment of all the 38 shop rooms of the NTR shopping Complex, Gudur in favour of 5th respondent Association consisting of only 7 members pursuant to the proposals of the 2nd respondent is arbitrary, illegal and contrary to the Andhra Pradesh Municipalities (Regulation of Receipts and Expenditure) Rules, 1968 made under the A.P. Municipalities Act, 1965 though the 5th respondent is not an Institution and further without taking into consideration of the lease hold rights of the existing lessees of the NTR shopping complex, Gudur and accordingly set aside the impugned orders of the 1st respondent Government vide G.O. Rt. No. 6S5, Municipal Administration and Urban Development (J 2) Department, dated 11-10- 2023 and to pass ;

7. **WP.No.9586 of 2024** is filed to declare the proceedings of the 2nd Respondent in R.O.C. No. 1950/2015/A1, dt.28-03-2024 directing the petitioner to vacate the Municipal Shop No. 10 (Front Row), N.T.R. Municipal Shopping complex. Old Bus Stand, Gudur, Tirupathi District by paying the revised rental balance upto 31.05.2024 as illegal, arbitrary. Unjust and in violation of A.P. Municipalities Act, 1965, Articles 14, 19(1)(g) and 21 of Constitution of India and to set aside the same and consequently direct the Respondents to extend the lease period in terms of G.O.Rt.No.665, Dt. 11.10.2023 and pass

8. **WP.No.9667 of 2024** is filed declare the proceedings of the 2nd Respondent in R.O.C. No. 1950/2015/A1, dt.28-03-2024 directing the petitioner to vacate the Municipal Shop No.04 (Front Row), N.T.R. Municipal Shopping complex. Old Bus Stand, Gudur, Tirupathi District by paying the revised rental balance up to 31.05.2024 as illegal, arbitrary. Unjust and in violation of A.P.Municipalities Act, 1965, Articles 14, 19(1)(g) and 21 of Constitution of India and to set aside the same and consequently direct the Respondents to extend the lease period in terms of G.O.Rt.No.665, Dt.11.10.2023 and pass
9. **WP.No.10557 of 2024** is filed to declare the proceedings of the 2nd Respondent in R.O.C. No.1950/2015/A1, dt.28-03-2024 directing the petitioner to vacate the Municipal Shop No.3 (Front Row), N.T.R. Municipal Shopping complex, Old Bus Stand, Gudur, Tirupathi District by paying the revised rental balance upto 31.05.2024 as illegal, arbitrary, Unjust and in violation of A.P.Municipalities Act, 1965, Articles 14, 19(1)(g) and 21 of Constitution of India and to set aside the same and consequently direct the Respondents to extend the lease period in terms of G.O.Rt.No.665, Dt.11.10.2023 and pass
10. **WP.No.10581 of 2024** is filed to declare the proceedings of the 2nd Respondent in R.O.C. No. 1950/2015/A1, dt.28-03-2024 directing the petitioner to vacate the Municipal Shop No. 15 (Front Row), N.T.R. Municipal Shopping complex. Old Bus Stand, Gudur, Tirupathi District by paying the revised rental balance up to 31.05.2024 as illegal, arbitrary.

Unjust and in violation of A.P. Municipalities Act, 1965, Articles 14, 19(1)(g) and 21 of Constitution of India and to set aside the same and consequently direct the Respondents to extend the lease period in terms of G.O.Rt.No.665, Dt. 11.10.2023 and pass

11. **WP.No.10746 of 2024** is filed to declare the proceedings of the 2nd Respondent in R.O.C. No. 1950/2015/A1, dt.28-03-2024 directing the petitioner to vacate the Municipal Shop No.2 (Front Row), N.T.R. Municipal Shopping complex, Old Bus Stand, Gudur, Tirupathi District by paying the revised rental balance upto 31.05.2024 as illegal, arbitrary. Unjust and in violation of A.P.Municipalities Act, 1965, Articles 14, 19(1)(g) and 21 of Constitution of India and to set aside the same and consequently direct the Respondents to extend the lease period in terms of G.O.Rt.No.665, Dt. 11.10.2023 and pass

12. **WP.No.14966 of 2024** is filed to declare the action of the 4th respondent in not giving effect of restoration of the incomplete lease period and thereby allowing the Petitioner to continue his shop room till 30-6-2025 but unilaterally reduced the lease period by 31-3-2024 and further directing the petitioner to vacate the shop No. 19 is arbitrary, illegal and unjust and accordingly set aside the impugned proceedings of the 4th respondent vide R.O. C. No. 1950/2015/A1, dated 28-03-2024 in so far as directing the Petitioner to vacate the shop No. 19 is concerned and consequently direct the respondents to continue lease period of the Petitioners Shop Room No. 19 (Front Row) of N.T.R. Shopping Complex

of Old Bus Stand Gudur, Tirupati District till completion of his restoration lease period and also renew his shop room No. 19 lease period from time to time and to pass

13. **WP.No.11407 of 2024** is filed to declare the action of the 2nd respondent in not handing over the physical possession of shops to the petitioner's association in pursuance of allotment orders in Roc. No. 1950/2015/A1 dated 25-01-2024 issued by the 2nd respondent is illegal, arbitrary and violation of Article 14 of the Constitution of India and to consequently direct the 2nd respondent to delivery the physical possession of shops in favour of the petitioner's association in pursuance of the allotment orders and to pass

14. The learned counsel appearing for the petitioners submits that eleven writ petitions can be characterized into four categories ;

S.No.	WP.No	Scope of the writ petition
1.	WP.No.22061 of 2023 WP.No.27039 of 2023	Writs filed by individuals challenging the eviction notices for non-payment of rent and that lease period of 25 years is over
2.	WP.No.15564 of 2024 WP.No.9499 of 2025	These writs are filed questioning the issuance of GO allotting the shops in favour of Gudur Old Bus Stand Small Traders Association.
3.	WP.No.9586 of 2024 WP.No.9667 of 2024 WP.No.10557 of 2024 WP.No.10581 of 2024 WP.No.10746 of 2024 WP.No.14966 of 2024	These writs are filed questioning the eviction notice dated 28.03.2024 issued by the Commissioner in pursuance of the orders passed by the Government

		in allotting the shops in the complex to Gudur Old Bus Stand Small Traders Association.
4.	WP.No.11407 of 2024	the Gudur Old Bus Stand Small Traders Association filed the writ petition seeking a direction to handover the shops to the Association.

15. The learned counsel appearing for the petitioners submits that 38 shops were constructed with 19 shops on the front side and 19 shops on the back side. Initial lease agreement commences from 1999.

16. It is submitted that the lease term of the shops was extended from time to time and after expiry of the 25 years of lease, the Gudur Municipality was required to conduct an auction of the shops and allot the shops to the highest bidder in the auction.

17. It is submitted that the street vendors and petty vendors submitted a representation to the Municipal Commissioner, Gudur Municipality and also to the Local M.L.A. seeking allotment of the shops to the members of the Gudur Old Bus Stand Small Traders Association. It is submitted that basing on the representation of the M.L.A., the Commissioner had submitted a report and recommended the allotment of shops to the Members of the Association.

18. It is submitted that the said action is contrary to the resolution of the Council Meeting held on 01.08.2023. The Government has issued a G.O. on 11.10.2023 allotting the shops. It is submitted that eviction notices

were issued even while the lease was in force. It is submitted that the Government could not have passed the G.O., allotting shops to Members of an Association. It is submitted that the A.P. Municipalities Manual would permit allotment of shops to institution without auction. In the present case, the association of the small traders cannot be equated with an institution.

19. It is also submitted that GORt.No.665, dated 11.10.2023 is bereft of reasons for grant of lease to an Association without going for public auction.
20. The learned Government Pleader has filed counter in WP.No.22061 of 2023 and adoption memos are filed in the other writ petitions filed challenging the G.O.
21. Sri.A.Sreekanth Reddy, learned Government Pleader appearing for the state submits that the Association is a registered Association and can be considered as institute. It is submitted that Government has power to allot shops and the A.P.Municipalities Manual would have to be referred to. It is submitted that G.O.Rt.No.665 is issued after careful consideration of the recommendations of the Commissioner and in interest of the small traders association.
22. Sri.P.Veera Reddy, learned senior counsel appearing for the impleaded respondents submits that petitioner in WP.No.22061 of 2023 has sought for the relief of declaring the notice calling upon the petitioner to pay the arrears amount and seeks a direction not to take any coercive steps

against the petitioner. It is submitted that the lease period has expired long back and the petitioner therein after obtaining interim orders from this Court has been continuing in occupation of the premises.

23. It is submitted that the pleadings of the petitioner in WP.No.9586 of 2024 would indicate that lease period is over in the year 2023 itself. It is submitted that once the lease period of 25 years is over, the respondent Municipality would have to conduct an auction.

24. It is also submitted that WP.No.27039 of 2023 is filed on behalf of N.Logamma allegedly represented by her legal representative. It is submitted that the lease period of 25 years is over and the petitioner has no locus to continue in the said shop. It is also submitted that the counter filed by Municipality had categorically stated that the original lessee passed away in the year 2000 and the petitioner has signed the pleadings as if the original lessee is alive.

25. It is submitted that the lease period has expired and the petitioners have retained shop Nos.19, 15, 2, 3, 4 and 10, the rest of the shops are allotted to the Members of the Association.

26. The counter filed by the Municipality categorically states that the petitioners cannot as a matter of fundamental right retain the property of the Municipality and at the same time default on payment of rents.

27. Heard the learned counsel for the petitioners and the learned Senior Counsel for the impleaded respondents, learned Government Pleader for

the State and the learned Standing Counsel for the Municipality. Perused the material on record.

28. The writ petitions are filed challenging the eviction notices do not require any further consideration on merits as the permitted lease period of 25 years has expired long back and it is the duty of the Municipality to conduct auction for the shops in terms of the prevailing Act, Rules and the Government Orders.
29. It is well within the power of the State to allot shops to any institution after considering the recommendation of the Commissioner of the Municipality. On the facts of the petitions herein a proper and a thorough excise was conducted by the Commissioner while considering the representation of the Gudur Bus Stand Small Traders Association and recommended allotment of shops to the members of the said Association.
30. The contention of the petitioners that the State has no power to allot shops to an Association is unfounded. An Association also can be considered as an institute as there is no uniform definition for the word 'institution'. The Association has an organizational structure defined objectives and performs certain functions. An institution and Associations are registered bodies and as such the allotment of shops to the Association without conducting an auction cannot be challenged. The respondent-Municipality has determined the terms of allotment and is collecting the rent fixed.

31. Out of 38 shops, 32 shops are already allotted to the members of the Association and Shop Nos. 19, 15, 2, 3, 4 and 10 would also have to be vacated and the allottees of those shops be handed over possession of the same. The writ petition filed by the Association i.e., WP.No.11407 of 2024 deserve to be closed as it was filed when the allotment of shops was pending with the respondents. After filing of the writ petition 32 shops were allotted, as such, the writ petition is closed.

32. The other writ petitions challenging the eviction notices have outlived their purpose and the lease period had expired long ago, as such, deserve to be dismissed. The writ petitions challenging issuance of GORt.No.665, dated 11.10.2023 also deserve to be dismissed as the petitioners have not made out any grounds for entertaining the writ petitions.

33. Accordingly, the writ petition Nos. 22061 of 2023, 27039 of 2023, 9667, 10557, 9586, 10581, 10746, 14966, 15564 of 2024 and 9499 of 2025 are dismissed and the WP.No.11407 of 2024 is closed. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE HARINATH.N

Date : 05.08.2026

KGM

Whether the order is:

Speaking		Reasoned	☒
Reportable		Non-reportable	☒

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Date: 05.08.2026

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