

**C. P. Sarathy &
Bajrang Singh Thakur**

ADVOATE

Residence:

6-4-481/11, opp. Musheerabad Jail,
Krishna Nagar Colony
Secunderabad.

Office:

C/o. C. P. Sarathy, Advocate
6-1-103/20, Abhinav Nagar
Padma Rao Nagar
Secunderabad 500 025.
Phone: 616573

9 June, 1994

To,
The General Manager,
District Industries Centre,
Hyderabad District,
Musheerabad,
HYDERABAD - 500 020

Respected Sir,

Subj - Explanation to your Lr. dt. 28/05/1994

Ref - 1) W.P. No. 7074/1994 & Orders in WPMP 8630/1994 dt. 14/04/1994.
2) Your Letter No. 6208/B.3/IAA/94; dt. 28/05/1994.

We are submitting an explanation to your letter referred as No. 2 on behalf of M/s. Vishwant Castings & Engineering Works, Plot No. 26/2, Industrial Area, Azamabad, Hyderabad - 500 020 as under:

1. It is a fact that plot No. 26/2, ad measuring 2400 Sq. Yds., in Industrial Area, Azamabad, Hyderabad was leased out to our client for 99 years by the Government, beginning in the year 1946 for the purpose of Castings and General Engineering Works. Our client executed a lease deed on 10th September, 1981 to the same effect. The said plot was leased out to our client with an intention to develop industrial activities.
2. Even though our client is running a unit in the said premises as per the terms of the lease, you have issued a letter No. 719/B.3/IAA/94, dated 09/03/1994 asking our client to apply for a fresh lease within 30 days from receipt of the letter. The said letter was received by our client on 19/03/1994. When there is a subsisting lease for 99 years in existence, according to which our client is continuing the possession without any default in payment of rent to you and fulfilling the purpose for which the above mentioned premises was leased out, you have no right to ask our client to apply for a fresh lease. Further it is incorrect to say that from 11/07/1992, the date of enforcement of Azamabad Industrial Area (Termination and Regulation of Leases) Act of 1992 (Act. 15 of 1992) our client's lease for 99 years stands canceled. The Act itself is bad in the eye of the law and it defeats the rights of citizens which are guaranteed in Article 14, 19(1)(g), 21 & 300-A of Constitution of India.
3. As the said act is ultravirous and bad our client correctly challenged the said Act 15 of 1992 and your above letter dated 09/03/1994 asking our client to apply for fresh lease, by filing writ petition referred as No. 1 before High Court of Andhra Pradesh and obtained stay of all further proceedings in

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pursuance of the said Act. When the act itself is stayed it is incorrect to say that our client is no longer a tenant of the government. As a matter of fact our client is your tenant for 99 years from 1946 onwards and the lease is valid even today. Further in view of orders passed in WPMP as referred above you cannot interfere with the peaceful possession and enjoyment of the said premises.

4. The allegation of sub-leasing of premises to one M/s. Everest Automobiles is false and incorrect. Nobody came to our premises either on 10/05/1994 or any other date and no machinery of others was shifted in at that time. All the machinery present in the said premises belongs to my client and for the purpose of proper running of the industry some additions and alterations are taken up from time to time. When our client has not sub-let the premises to anybody the question of eviction does not arise. Our client has not encouraged M/s. Everest Automobiles to shift their machinery into the said premises at any time. Whatever our client did, was only for the proper running of the industry. The validity of Act 15 of 1992 and not the 99 year lease, has been challenged in the High Court. As there are orders from the High Court of Andhra Pradesh not to further proceed according to the said Act you cannot interfere with the peaceful possession and enjoyment by issuing the letters threatening our client. It amounts to nothing but contempt of court orders, while the case is pending before the court of law. Till the disposal of the case you have no legal right and power to interfere with my client's possession of the above mentioned premises.

Therefore, you are requested to drop the said letter and refrain from further proceedings or else our client would be forced to move to the court of law for contempt of court proceedings against you.

Thanking you sir,

Yours Truly,



Bajrang Singh Thakur,

Counsel for M/s. Vishwajit Casting & Engineering Works.

