

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 11322 of 2010

ORDER:

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Heard learned counsel for the petitioners and the learned Government Pleader for Medical and Health. No representation on behalf of the fourth respondent.

The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the action of the third respondent in issuing the impugned proceedings Rc.No.3663/G1/98, dated 27.03.2010 signed on 28.04.2010 in asking the petitioners to vacate the public toilets at Government General Hospital, Kurnool, within 15 days to provide its maintenance to the fourth respondent as illegal and arbitrary.

The averments in the affidavit filed in support of the writ petition would show that the first petitioner is the lease holder in respect of a public toilet maintained at Government General Hospital, Kurnool and the second petitioner is also a lease holder of another public toilet in the said hospital and its maintenance is vested with the third respondent Corporation. Vide proceedings R.O.C.No.4766/2001, dated 26.03.2002, the said two public toilets were allotted to the first and second petitioners on monthly rent of Rs.2,100/- and Rs.1,200/- respectively by calling for tenders which includes electricity charges for the maintenance of the two public toilets. The second respondent enhanced the monthly rent to Rs.4,093/- and Rs.2,340/- towards the toilets leased out by the first and second petitioners respectively. It is stated that the petitioners have been maintaining the public toilets at Government Hospital and eking out their livelihood without there being any adverse remarks. While so, the second respondent issued the impugned letter dated 27.03.2010 in proceedings Rc.No.3663/G1/98, asking the petitioners to hand over the maintenance of toilets within a period of fifteen days from the date of receipt of the said notice. Challenging the same, the present writ petition came to be filed.

The main ground urged by the learned counsel for the petitioners is that without giving any notice, the lease granted to the petitioners was cancelled, which according to him is in violation of the principles of natural justice.

On 12.05.2010, this Court, while issuing notice before admission, suspended the impugned proceedings in Rc.No.3663/G1/98, dated 27.03.2010 till 07.06.2010. Subsequently, on 04.06.2010, this Court extended the said interim suspension until further orders. It is stated that pursuant to the order dated 04.06.2010, the petitioners are continuing with the maintenance of the two public toilets at the Government General Hospital, Kurnool.

Learned Government Pleader for Medical and Health would submit that it would be appropriate if a fresh notification may be issued calling for tenders for the maintenance of the two public toilets in the Government General Hospital, Kurnool. Learned counsel for the petitioners did not raise any objection for the same.

Having regard to the circumstances stated above, the present writ petition is disposed of directing the second respondent to issue fresh notification calling for tenders for maintenance of the two public toilets in Government General Hospital, Kurnool, within a period of eight (08) weeks from the date of receipt of a copy of this order. Till the completion of the said process, the petitioners shall continue to maintain the public toilets at Government General Hospital, Kurnool. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

07.10.2015

vhb