

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4592 OF 2015

ORDER :

This petition is filed seeking a writ of *Mandamus* declaring the action of the respondent No.1 in issuing the impugned proceedings dated 19.02.2015, rejecting the application of the petitioner dated 11.12.2014, seeking extension of licence period for two more years, as illegal and arbitrary and consequently to direct the respondents to extend the licence period for the year 2015-2016.

The case of the petitioner is that the petitioner was granted licence for running Kalyana Mandapam at Gaddiannaram in Ranga Reddy District for a period of two years, expiring on 13.02.2015. Even before the expiry of licence period, the petitioner made an application dated 11.12.2014 to the 2nd respondent for extension of the same for a further period of two years. But without considering the same, the respondents rejected the application of the petitioner vide proceedings dated 19.12.2015 for administrative reasons as per clauses 1 and 2 of special conditions of the agreement, where the discretion is given to the licensee as well as the licensor. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the petitioner has invested huge amounts and states that as per clauses 1 and 2 of special conditions of the agreement, his licence period can be extended for a period of two years on payment of 33.3% more over the existing good will amount.

On the other hand, learned Standing counsel for respondents submits that though the petitioner was issued notice regarding payment of service tax, property tax and other aspects,

the petitioner has not responded to the same. As such, the respondent authorities have taken a decision to call for the fresh tenders.

In this case, admittedly, petitioner's licence period is expired by 13.02.2015 and the petitioner made an application for extension of the licence. But the respondents have rejected the same on administrative grounds. Clauses 1 and 2 of the Special conditions relate to the discretion of the Executive Officer in extending the licence period of the licensee. It appears that the Executive Officer has exercised his discretion as he stated that the petitioner's application is rejected for administrative reasons but did not state what are those administrative reasons. Anyhow, this Court is not inclined to issue *mandamus* for extension of licence period because it is for the respondents to consider the petitioner's case. Since it is stated that the respondents have decided to call for fresh tenders, it is open for the petitioner to participate in the same. However, till the tenders are finalised, petitioner shall be continued on payment of 33.3% excess over the existing amount and if petitioner succeeds in the tender, he shall be continued as per the terms and conditions applicable. Otherwise, petitioner shall vacate the Kalyana Mandapam and handover the same to the respondents.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

26.02.2015

Note:

Issue cc by tomorrow.

(B/o) dv

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3747 OF 2015

Date: 23.02.2015

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