

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.36839 of 2015

ORDER:

-

The petitioner is questioning the order dt.09-11-2015 passed by 2nd respondent unilaterally terminating the platform allotted to petitioner in N.T.R. Bus Station, Guntur for a period of 5 years from 04-08-2012 to 03-08-2017 on monthly rent.

2. Learned counsel for petitioner Sri Ch.Vijaya Kumar contended that clause 21(b) quoted in the impugned order has no application and that respondents are bound to follow the principles of natural justice before terminating the licence granted to petitioner to use the platform in question.
3. Sri P.Durga Prasad, learned Standing counsel for respondents states that clause 34 of the agreement entered into by respondents with petitioner entitles the respondents to terminate the licence given to petitioner by a one month notice in case the premises is required for the licensor/respondents and that the impugned order may be treated as a show cause notice under clause 34.
4. I am unable to agree with the said submission. Firstly, the impugned order does not refer to clause 34 at all and it refers to clause 21(b), which the learned Standing counsel for respondents admits has no application in the present fact situation. Also clause 34 can be invoked only if the premises is required by respondents for their use, but the reason given in the impugned order does not indicate that it is for the use of

respondents. The impugned order states that on account of inconvenience to passengers, the licence granted to petitioner is being terminated. This that does not fall within clause 34.

5. Therefore the impugned order is set aside on the ground that it is violative of principle of natural justice and liberty is granted to respondents to issue a fresh show cause notice if they intend to take any action terminating the licence granted to petitioner by clearly mentioning the ground on which they wish to do so.
6. The Writ Petition is allowed as above. No costs.
7. As a sequel, miscellaneous petitions pending if any, in these Revisions shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 13-11-2015

Vsv