

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

**W.P.Nos.42087, 42252, 42268, 42272, 42273, 42274,
42284, 42323, 42373, 42376, 42389, 42390, 42397,
42403 and 42424 of 2015**

COMMON ORDER:

In this batch of Writ Petitions, petitioners assail tender notice No.C2/437(131)/2015 dt.16-12-2015 of the Regional Manager, Kurnool proposing to inviting tenders from persons who are interested in setting up stalls or shops within the Kurnool Region Bus Stations.

2. In this notification, open areas, in front of certain stalls, for which licences were already granted to the petitioners, are offered to the intending tenderers for setting up new stalls and shops.

3. Petitioners contend that they have paid considerable amounts towards obtaining licences for the shops in their occupation, that if now shops, pursuant to the impugned tender, are allowed to be come up in front of shops in occupation of the petitioners, the petitioners' shops would be covered totally and there would be no proper ingress and egress to enter into the petitioners' shops or to identify their shops. They further contend that the Kurnool Municipal Corporation and R & B officials had informed that in future there would be road widening up to the shops in occupation of the petitioners and even though this fact is known to the respondents, they have

issued the impugned tender notification inviting tenders for establishment of shops in front of petitioners' shops.

4. Sri A.Jaya Sankara Reddy, learned counsel for the petitioner in W.P.No.42087 of 2015 contended that in fact, the area in front of shops of the petitioners does not belong to the respondents at all and it belongs to the Municipal Corporation of Kurnool and the respondents are not entitled to allow setting up of new shops in the area in front of petitioners' shops.

5. Sri K.V.Raghuveer, learned counsel for the other petitioners, contended that if access to the shops of the petitioners is cut off by the new shops which are now proposed to be set up pursuant to the impugned tender, the petitioners would be ruined because they would not be in a position to sustain themselves without any customers.

6. Counter affidavit has been filed on behalf of respondents asserting that the site in front of petitioners' shops belongs to 2nd respondent Corporation. They contend that the shops which are proposed, pursuant to the impugned tender notification, would not in any way obstruct the ingress and egress to the petitioners' shops since there is a gap between the petitioners' shops and vacant sites indicated in the notification in front of petitioners' shops.

7. No material is placed by the petitioners before this Court to establish that the site in front of the petitioners' shops does not belong to 2nd respondent Corporation and that it belongs to the Municipal Corporation of Kurnool. Since the respondents have asserted that the site in front of petitioners' shops belongs to the respondents, the respondents cannot be restrained from putting to use the said area to generate revenue and to provide additional facilities therein for the benefit of the persons who travel in the buses of the respondents. It is not the case of the petitioners that any of them have any right, title or interest even in the premises which have been licenced to them and they admit that even those sites are the property of the respondents.

8. In the light of the undertaking given by the respondents through the deponent Sri V.Srinivasu, Personal Officer, APSRTC, Kurnool Region, Kurnool District that the proposed shops would not in any way obstruct the ingress and egress to enter into the petitioners' shops, I am of the opinion that the interest of the petitioners is sufficiently safeguarded and they cannot prevent the respondents from putting to use the vacant sites belonging to the respondents in front of petitioners' shops.

9. Therefore, I do not find any merit in the Writ Petitions.

10. All the Writ Petitions are accordingly dismissed recording the undertaking of the respondents that the shops proposed to be set up pursuant to the impugned tender notification would not in any way obstruct the ingress and egress to enter into the petitioners' shops. No costs.

11. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 30-12-2015

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