

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.25040 of 2012

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Dated 11th September, 2015

Between:

K.Eswar Choudhary

...Petitioner

And

The Officer on Special Duty, Buddha Purnima Project, Hyderabad Metropolitan Development Authority, # 6-1-2/1, Tank Bund Road, Hussain Sagar, LIC Division – Post, Hyderabad – 63 and others

...Respondents

Counsel for the petitioner: Sri C.Ramachandra Raju

Counsel for respondent Nos.1 & 2: Sri V.Narasimha Goud

Counsel for respondent No.3: Sri Wasim Ahmed Khan

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the action of respondent

No.1 in not considering the petitioner's request for renewal of licence in respect of parking stand at Lumbini Park and Laserium and the further action of respondent No.2 in calling for fresh tenders through e-procurement process vide tender notice bearing No.HMDA/DEV/SE-II/3/2012-2013, dated 27.07.2012, as illegal and arbitrary.

At the hearing, Sri C.Ramachandra Raju, learned counsel for the petitioner, has not disputed that even if his client's request for renewal of lease in his favour was favourably considered and the renewal was extended by a period of two years, the said period would have expired by 19.04.2014. In this view of the matter, the issue raised in the writ petition does not survive for adjudication.

Sri V.Narasimha Goud, learned Standing Counsel for respondent Nos.1 and 2, submitted that in pursuance of the tender notification issued on 27.07.2012, the tender process was completed and that in view of the interim order secured by the petitioner, the successful tenderer was not awarded with the contract.

A perusal of the e-procurement tender notice, dated 27.07.2012, shows that the period for which the tenders were invited was three years which has also expired. Therefore, in my opinion, public interest warrants calling for fresh tenders. The respondents shall be free to settle the issues with the successful tenderer in accordance with law.

The learned counsel for the petitioner has fairly agreed that his client will handover possession of the parking areas to respondent Nos.1 and 2 within two weeks from today.

In the light of the above facts and circumstances, the petitioner shall handover possession of the parking areas to respondent No.1 within two weeks from today and the writ petition accordingly shall stand disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.31941 of 2012 and W.V.M.P.No.3701 of 2012 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

11th September, 2015

VGB

