

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.6653 & 7599 OF 2015

COMMON ORDER :

WP.No.6653 of 2015

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This petition is filed for a writ of *Mandamus* seeking direction to the respondents to regularise Shop No.4 III NC, Tirumala in the name of the petitioner in view of his occupation/purchase since 1997 and consequently declare the action of the respondents in not regularising Shop No.4 III NC, Tirumala, on par with other similarly situated persons, as discriminatory, illegal and consequently restrain the respondents 1 to 5 from evicting the petitioner from Shop No.4, III NC, Tirumala.

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WP.No.7599 of 2015

This petition is filed for a *Mandamus* seeking to set aside the impugned proceedings dated 04.06.2014 issued under the caption "Taking Over possession of the Shop No.4 III NC, Tirumala' by the respondents 1 to 4, as illegal and consequently declare the action of the respondents 1 to 4 in granting regularisation to the similarly situated persons while taking over the shop of the petitioner, as discriminatory and violative of principles of natural justice.

Since the parties and grievance of the petitioner in both the writ petitions are one and the same, they are being heard together and decided by this common order.

The case of the petitioner is that he purchased Shop No.4 III NC from the

original licensee S.Ramulu, in the year 1997 and paying rents and electrical charges on behalf of S.Ramulu since 1997 and applied several times for transfer of the said shop in his name. But, the respondents-Tirumala Tirupathi Devasthanam, did not accede his request. While so, in the year 2007 the respondents issued notice dated 13.08.2007, directing the petitioner to submit certain documents to change the name of the licensee and the petitioner accordingly submitted all the details. But the respondents did not pass any orders regularising the shop in the name of the petitioner. Thereafter, on 03.11.2012, the 3rd respondent issued show cause notice to the petitioner for violation of certain conditions and asked the petitioner to submit explanation for the same. Immediately, the petitioner submitted reply on 09.12.2012 with an undertaking that he would not violate any conditions in future. But, no orders are passed on the same by the respondents. While so, all of a sudden the respondents disconnected the electricity supply to the petitioner's shop, though he is paying electricity charges and licence fees regularly. He further submits that the respondents regularised the shops of other similarly situated persons. Aggrieved by the same, present writ petition is filed.

When WP.No.6653/2015 came up for admission, the same was adjourned at request of learned Standing Counsel for getting instructions. Meanwhile, since the respondents seized the shop of the petitioner on 04.06.2014 stating that the petitioner is selling other than permitted items, the petitioner filed WP.No.7599 of 2015 challenging the proceedings dated 04.06.2014.

The respondent-Tirumala Tirupathi Devasthanam filed counter in WP.No.7599 of 2015 stating that petitioner was not in possession of the shop from 04.06.2014 onwards. Counter is silent about passing of orders on the reply filed by the petitioner in pursuance of show cause notice dated 03.11.2012. Though, no orders are passed on the reply filed by the petitioner in pursuance of show cause notice dated 03.11.2012, petitioner was allowed to do business because he has given an undertaking that he would not violate the conditions.

Heard learned counsel for the petitioner and Smt.K.Lalitha, learned Standing Counsel for the respondents 1 to 5.

In this case admittedly, the respondent (TTD) issued notice dated 13.08.2007 to the petitioner asking the petitioner to submit certain documents for changing the name of the licensee and though, the petitioner has submitted application giving details of the documents mentioned in the notice dated 13.08.2007, the respondents have not passed any orders on the same. Even on the explanation dated 09.12.2012 submitted by the petitioner in pursuance of show cause notice dated 3.11.2012, no orders are passed by the respondent. The respondents, without considering the application and explanation submitted by the petitioner, straightaway seized the shop in question by issuing proceedings dated 04.06.2014. Further, though the petitioner stated that he is doing business, learned counsel for the respondents denied the same. In view of the same, seizure dated 04.06.2014 is set aside.

In view of the above, the respondents 1 to 5 are directed to consider the application which was submitted by the petitioner giving all the information asked by the respondents, in pursuance of notice dated 13.08.2007 and pass orders in accordance with law by taking into consideration the reply dated 09.12.2012 submitted by the petitioner in pursuance of show cause notice dated 03.11.2012. Till then, *Status Quo* obtaining as on today shall be maintained. The respondents are further directed to restore electricity connection to the petitioner till then.

Accordingly, 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

23.04.2015

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