

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.32699 of 2015

DATE:7.10.2015

Between :
R K Marketing
Rep by its Proprietor,
Vasamsetti Ramu @ Rama Seshadri
R /o 41/06/01 Pusarlavari street, Budampeta
Kakinada

.... Petitioner

And

The state of A P
Rep by its Principal Secretary,
Endowments Department, Secretariat
Hyderabad and others

.... Respondents

Court made the following order:-

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ORDER:

Petitioner is licensee of Hindustan Level Limited (for short HLL).

On account of the poor quality of tea and coffee provided to devotees visiting the third

respondent temple, in the year 2008, permission was granted to HLL to establish tea and coffee out-lets near the temple. Accordingly, out-lets were established and on behalf of HLL, petitioner was operating an out-let.

Licence was renewed from time to time and is valid till 31.8.2016. While so, suddenly, petitioner is removed from operation of the tea stall without following due process and even before the contract tenure is over and petitioner is not allowed to operate the outlet. Aggrieved thereby, this writ petition is filed.

2. Learned counsel for petitioner contends that when there is subsisting contract, even before the contract tenure is over or contract is terminated by due process, out-let cannot be removed and petitioner cannot be deprived of operating the out-let, therefore, action of the respondent authorities is ex-facie illegal.

3. Learned standing counsel submits that during the visit of the Principal Secretary-Endowments, Government of A.P, on 20.6.2015 he has noticed that near sanctum sanatorium, people are throwing away the used tea and coffee cups indiscriminately and unhygienic atmosphere is created. He has therefore suggested to remove the tea and coffee functioning units near the temple. In due response to the observations made by the Principal Secretary, notice was issued to the petitioner on 27.6.2015 directing him to relocate the tea and coffee functioning unit from the present place. Petitioner did not comply with the said notice nor responded and therefore, tea and coffee unit was closed.

4. Learned standing counsel submits that it is resolved by the respondent temple that no tea and coffee functioning unit should be allowed at the place where petitioner was earlier undertaking vending operations. Clause 16 of the agreement entered into with HLL enables the Executive Officer for cancellation of the licence or shifting of the premises and in view of the said clause only notice was issued.

5. As seen from the material enclosed to the writ petition, there is no agreement granting renewal of lease. Proceedings dated 22.9.2014 relied upon by the petitioner only refer to proposals sent to the Commissioner for approval of proposal for renewal of the lease.

Assuming that the lease is deemed to have been renewed, the lease stands in the name of HLL and petitioner is only a licensee of HLL. Therefore, petitioner has no locus to raise grievance directly with the temple authorities. It is for HLL to work out its remedies. Be that as it may, in terms of Clause 16 of the agreement, petitioner was served with notice directing him to shift the location but petitioner did not comply with the same, therefore, the stall was accordingly removed. There is no averment regarding notice issued to petitioner and the endeavor made by the petitioner to relocate the outlet. In view of Clause 16, no exception can be taken to the decision of the temple authorities for removing the stalls. As observed in the said notice, it is in public interest to remove the stalls. Maintenance of hygienic conditions in the temple premises, more so near sanctum sanatorium is of prime importance for ensuring sanctity of the temple. I, therefore, see no illegality in the decision taken by the respondent

temple. Writ petition deserves no consideration and accordingly dismissed. However, it is open to petitioner to make a request through HLL for relocating the tea and coffee outlet and as and when such a request is made, it is open for the respondent temple to consider the same in accordance with law.

Accordingly, writ petition is dismissed. No costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

Date: 7.10. 2015.
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