

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.17268 OF 2012

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ORDER:

The case of the petitioner is that he was granted license for erecting 50 numbers electronic advertisement boards at Central Road from Old II Town Police Station to Yellandu X Road for a period of two years i.e. from 25.01.2010 to 25.01.2012. In pursuance of the same, petitioner started erecting electronic advertisement boards and also paid an amount of Rs.1,20,000/- to the 3rd respondent towards rent. When the work was under progress, the Circle Inspector, Traffic Police Station, Khammam, issued notice dated 23.07.2011 basing on the instructions of the Executive Engineer (R&B), Khammam, dated 23.07.2011 calling upon the petitioner to remove the advertisement boards. Aggrieved by the same, petitioner filed WP.No.22208 of 2011 and this Court passed interim order in WP.MP.No.27080/2011 which reads as follows;

“Pending further orders, respondent No.3 is restrained from taking further action on the letter No.DEE/R&B/KM/2011-2012, dated 23.07.2011, without issuing notice to the petitioner and giving it an opportunity of being heard. Respondent No.3 is restrained from interfering with the advertisement boards erected by the petitioner.”

Thereafter, as licence granted by the 3rd respondent came to an end by 25.01.2012, the petitioner made a representation to the 3rd respondent on 10.11.2011, requesting him to renew the license for further period of two years. But, without passing any orders on the same, the 3rd respondent granted license to the third party. Aggrieved by the same the petitioner filed the present writ petition.

The 3rd respondent filed counter affidavit stating that after completion of license period, fresh tenders have been called for erection of 74 advertisement boards along with the R&B road vide tender notice dated 17.05.2012 and open auction was conducted on 25.05.2012 and confirmed in favour of highest

bidder. It is also stated that though the petitioner was informed to participate in the auction, he has not participated and auction was confirmed for a huge amount of Rs.6,600/- instead of earlier amount of Rs.800/-. It is also stated that as per the interim orders of this Court on 05.08.2011 the petitioner was not disturbed in erection of advertisement boards and that though the petitioner's lease period was upto 25.01.2012, he was allowed upto May 2012 duly collecting the proportionate fee from him. It is further stated that after expiry of petitioner's license period, the Special Officer, Gram Panchayat, Khammam has passed resolution on 02.04.2012 for erection of Advertisement Boards for a period from 01.06.2012 to 31.03.2013 duly conducting the open auction as per the upset price fixed by the District Panchayat Officer. It is also stated that the petitioner never made any representation to the Gram Panchayat for extension of lease for further two years.

Heard learned counsel for the petitioner.

In the instant case, petitioner's license period was completed by 25.01.2012 and after license period is over fresh tenders have been called for and the successful bidder was granted license. Petitioner was allowed to continue his business till expiry of license period. Petitioner has not shown any legally enforceable right for renewal of his license period. Naturally, after license period is over, respondents conducted auction and granted license in favour of successful bidders. If petitioner wanted to continue the business he could have participated in the auction, but, having failed to do so, he cannot seek for renewal of license for further period. Further, respondents also disputes that petitioner has made any application for extension of license period.

In view of the above facts and circumstances, I do not see any merits in the writ petition. Accordingly, the writ petition is dismissed. 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

13.10.2015

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