

WRIT PETITION NO.7308 OF 2016

Petitioner

The State of Maharashtra and others

Respondents

Mr. M.B. Bharaswadkar AGP for Respondent No.1

Mr. D.S. Bagul advocate for respondent No.5

CORAM : R.M. BORDE &

K.L. WADANE, JJ

(Date : 3rd August, 2016.)

PER COURT :-

1 The petitioner is objecting to the communication issued by respondent on 4.7.2016, cancelling the bus-stop provided by MSRTC near hotel, operated by the petitioner. According to the petitioner, there was an agreement entered into between the Corporation and the petitioner in respect of providing a stop for halting buses for a short interval, operated by respondent Corporation. It is contended that, an advance amount of Rs.27,900/- has been recovered by the Corporation under the agreement and the period prescribed under the agreement is between 1.2.2016 to 31.1.2017. One of the conditions incorporated in the agreement is that, the petitioner shall not

operate a bear bar or sell liquor. Apart from this, petitioner shall also charge concessional rates to the drivers and conductors. The petitioner contends that, he was in receipt of notice dated 19.4.2016, calling upon him to explain as to why facility provided shall not be cancelled, on account of breach of conditions, committed by the petitioner. The breach that has been cited is, permitting /operating a bear bar which is allegedly located at 120 feet from the bus stop. In pursuance to the notice, after considering the explanation, an appropriate action has been taken. The petitioner states that, the bear bar is not operated by him and is being operated by somebody else.

2 Since the action is taken in breach of the agreement, it would be open for the petitioner to avail appropriate remedies including raising claim in respect of damages, if he is of the opinion that, the action taken is in breach of agreement which violates his rights. In exercise of powers conferred under article 226 of the Constitution of India, since the issue involved pertains to investigation of facts, no interference is called for. Petition is devoid of substance and stands dismissed.

(K.L. WADANE, J.)

(R. M. BORDE, J.)