

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

W.P.No.19624 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Information Technology appearing for respondent Nos.1 to 5. None appears for 6th respondent even though notice in the Writ Petition has been served on 6th respondent.

2. The petitioner who is the proprietor of Sri Padmavathi Communications had submitted an application dt.30-04-2014 requesting to issue a franchisee of AP Online Centre run by the respondent Nos.1 to 5. He paid requisite fee and on the website of the AP Online, his name was considered as franchisee of AP Online Centre at Yerramukkapalli Center, Kadapa City, YSR District. Pursuant to that grant of franchisee, he operated the AP Online Centre in the name of Sri Padmavathi Communications for the months of June and July 2014.

3. Without notice to the petitioner, the respondents Nos.1 to 5 de-activated the Online service to his franchisee from August 2014.

4. Petitioner then approached the respondents for activation of the Online service and gave a representation dt.08-09-2014 to 2nd respondent stating

that he was authorized to establish an AP Online Centre at Yerramukkapalli in the month of May 2014; that he had started to operate the same and he had successfully operated for June and July 2014, but the same was de-activated probably at the instance of 1st respondent.

5. In reply thereto, the 2nd respondent refused to activate the petitioner's Online Centre basing on the following two proceedings;

1. Letter No.024/AP Online Centners/ESD-T/2014 dated 04-08-2014 of the Director, ESD (Mee Seva), Hyderabad and
2. D.O.Lr.No.024/AP Online Centers/ESD-Tech./2014 dt.27-10-2014.

The 2nd respondent observed that in these two proceedings, it is stated that in YSR District, the AP Online was selected as Service Centre which was for rural area only and the centre should not be considered in other areas strictly.

6. Both these proceedings have been filed by the respondents and a reading of these two proceedings only suggests that there is a restriction on AP Online opening new centres which also provide Mee Seva Services. It is not the case of the respondents that petitioner who has been given franchisee to run the AP Online centre intends to do Mee Seva Service activity in

his Online Centre.

7. The D.O. letter dt.27-10-2014 referred to above however suggests that AP Online has to establish centres in urban areas only.

8. Admittedly the franchisee of AP Online has been given to the petitioner in Yerramukkapalli Circle in Kadapa town and so it is in consonance with the Government policy to award franchisee of AP Online in urban areas.

9. Therefore, the impugned endorsement dt.15-04-2015, relying on the above two proceedings and stating that in YSR District, AP Online was selected as Service Centre for rural areas only is contrary to the D.O. letter dt.27-10-2014 and appears to have been issued without application of mind by 4th respondent.

10. Therefore, the impugned order is set aside and the respondent Nos.1 to 5 are directed to reactivate services to the petitioner's franchisee.

11. Accordingly, the Writ Petition is allowed. No costs.

12. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 19-01-2016

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