

HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.33588 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the fourth respondent in not considering the representation of the petitioners dated 30.06.2016 as illegal and arbitrary.

2. Heard the learned counsel for the petitioners and Sri S.V.Pamana, the learned Standing Counsel for A.P.S.R.T.C., (Andhra Pradesh) representing the respondents 1 to 5.

3. It is the case of the petitioners that the petitioners are running their buses on hire basis with A.P.S.R.T.C. on the route from Vizianagaram to Tippalavalasa. As per the terms and conditions of the agreement, the petitioners are operating the buses for five trips at 60 kilometers per trip total comes to 300 kilometers and the respondents are paying for 300 kilometers for five trips for the past 13 years. The further case of the petitioners is that the respondents R.T.C. recently increased one trip i.e., 5+1 and the total distance comes to 360 kilometers, whereas the respondents are paying hire charges for 300 kilometers only. Whether the petitioners are operating the buses for five trips or six trips i.e., 300 kilometers or 360 kilometers per day is purely a disputed question of fact.

4. A perusal of the record reveals that the petitioners submitted a representation to the fourth respondent to conduct joint route survey on 30.06.2016 in order to ascertain how many trips the petitioners are operating and whether the distance comes to 300 or 360 kilometers. For one reason or the other, the fourth respondent has not disposed of the representation of the petitioners.

5. At the time of arguments, the only relief sought by the petitioners is to direct the fourth respondent to consider the representation of the petitioners dated 30.06.2016. Learned Standing Counsel also consented for the same.

6. In view of the submissions made by both the counsel, this Court is not inclined to go into the merits of the main case.

7. Having regard to the facts and circumstances of the case and also the submissions made by both the counsel, the fourth respondent is hereby directed to dispose of the representation of the petitioners dated 30.06.2016 as expeditiously as possible, preferably, within a period of two months from the date of receipt of copy of this order.

8. With the above direction, the writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

30.09.2016
Pns.

