

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION Nos.25600 & 25606 OF 2014

COMMON ORDER:

The petitioners challenge communication dated 22.11.2013. Through the instant communication, an issue about the route length between Khammam and Kodad is canvassed by the parties. The operative portion of the communication reads as follows:

“The committee on conducting the survey of the route has arrived at the route length between Khammam – Kodad as “38” KMs.

In this respect, VC & M.D. accorded approval to the following:

- To adopt the uniform route length of **38 KMs.** between Khammam – Kodad consequent to survey of the route.
- To adopt the uniform route length of **38 KMs.** between Khammam – Kodad to **RTC & Hire** buses, **for resetting the ticket fare and adopting to all parameters of performance.**
- **For immediate processing of cases to Head office towards fixation of appropriate hire rate** to hire buses consequent to adoption of uniform route length of 38 KMs. between Khammam – Kodad with filled in details and enclosures as per the pro-forma enclosed.

Necessary action may be initiated accordingly.”

The case of the petitioners is that the respondent – Corporation has unilaterally and behind the back of the petitioners determined the route length between Khammam and Kodad as 38 KMs. According to the petitioners, in the survey conducted by the Department on 18.12.2013, neither the petitioners nor their authorized representatives were present. Therefore, that survey cannot be treated as binding and can be made forcibly against the petitioners.

The respondent – Corporation has produced the record relating to the survey conducted for determining the route length between Khammam and Kodad. After perusing the record, what transpires is that there were three representatives of hired bus owners. But, learned

counsel for the respondent – Corporation is unable to satisfy the Court that the persons who participated in the route survey can be treated as authorized representatives of the petitioners as well. Now, the determination of the route length between Khammam and Kodad is adversely affecting the charges to be levied and collected by the petitioners.

Having regard to the fact that there are financial implications in the route length, it is in the fitness of things that now the respondent – Corporation is directed to carry out the survey of route length as directed by the Executive Director, through letter No.P9/359(36)/2011-OPD (P), dated 11.09.2012, within four weeks from the date of receipt of a copy of this order. Before conducting the route survey, to avoid technical objections, the petitioners are directed to give the address and e-mail details to which the communication should be sent.

Accordingly, both the Writ Petitions are disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed.

S. V. BHATT, J

Date:26.04.2016

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