

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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Writ Appeal Nos.445 and 446 of 2016

Date:16.06.2016

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W.A. No. 445 of 2016

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Between:

Telangana State Tourism Development Corporation Limited, 3-5-891,
Tourism House, Himayathnagar, Hyderabad – 500 029, rep., by its Managing
Director and others

.....Appellants

And

M/s. Jolly Rogers, Event Managers and Rental's a proprietary concern,
having its office at Flat No. 601, 6th Floor, Golden Green Apt. 6-3-542/1,
Erramanzil Colony, Panjagutta, Hyderabad – 500582, rep., by its Power of
Attorney and Authorized Signatory Chirla Baba Prasad Reddy, S/o. Late
Veera Reddy, aged about 56 years, resident of 70A/A, MLA Colony, Banjara
Hills, Hyderabad and another

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
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Writ Appeal Nos.445 and 446 of 2016

PC:(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned Advocate General for the appellants and Mr. C.V. Mohan Reddy, learned Senior Counsel for the respondents.

These writ appeals are directed against the common order dated 18.3.2016 passed in Writ Petition No. 26230 of 2015 and Writ Petition No. 7238 of 2016. The order impugned in the appeals reads thus:

“Considering the business interest of both the petitioners and the respondent – Corporation, subject to further orders that may be passed in the writ petition with respect of working out the modalities of settlement of disputes between the parties, there shall be interim direction to the respondent – Corporation to provide access to the barricaded area including toilets, to enable the petitioners to carry on the business from today. The petitioners shall deposit a sum of Rs.10,00,000/- (Rupees ten lakh only) immediately and further to pay a sum of Rs.1,80,000/- (Rupees one lakh eighty thousand only) per month + taxes if any payable, in addition to the existing undisputed rent which is liable to be paid, with effect from March, 2016.

List the matter on 29.03.2016.”

We have heard learned Senior Counsel for the parties for some time and with their assistance gone through the materials, to which, our attention was specifically invited to, including the order dated 20.8.2015 passed in Writ Petition No. 26230 of 2015. Learned counsel for the parties have agreed for the order that we propose to pass and have fairly stated that we need not record any reasons for the same. Hence, we dispose of these appeals by the following order:

“a) Pending the hearing and final disposal of the writ petitions, the respondents, (i.e., the petitioners in writ petitions) shall pay a sum of Rs.3.00 lakhs

(Rupees Three Lakhs Only) per month plus taxes, if any, payable in addition to the existing undisputed rent, which is liable to be paid as per the licence agreement, with effect from 16.6.2016. It is made clear that the respondents have agreed to pay this amount without prejudice to their rights and contentions and this shall not be construed to mean that they have accepted the said amount as licence fee in respect of the area in dispute. The respondents shall pay this amount on or before 10th of every month.

b) If the respondents-writ petitioners ultimately succeed in the writ petitions, they would be entitled for refund of the said amount with interest that may be fixed by the learned Single Judge while disposing of the writ petitions.

c) The appellants, in particular, appellant No.2, who is present in the Court, shall remove the barricades and provide access to the barricaded area, as indicated in the impugned order before 4.00 P.M. today. Appellant No.2, who is present in the Court undertakes that he shall remove the barricades as mentioned above. His undertaking is recorded and accepted.”

In view of the peculiar facts and circumstances of the case and having regard to the fact that the writ petitions were fixed for hearing in March, 2016 itself, we request the learned Judge to decide the writ petitions expeditiously. This order, shall remain operative till disposal of the writ petitions and for a further period of 15 days, if the order passed in the writ petitions is adverse to the writ petitioners. While passing this order, we shall not be understood to have expressed any opinion on merits of the case. All contentions of the parties are kept open.

The writ appeals are accordingly disposed of.

Consequently, pending miscellaneous petitions shall also stand closed.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

16th June, 2016
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