

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7634 of 2016

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent in not continuing the petitioner as Stage-I Transport Contractor for Nalgonda District for notified period of one year and reducing the said one year period to 7 months only ending by 31.03.2016, though the petitioner is not at fault, as illegal, unjust, arbitrary, discriminatory, unreasonable and violative of principles of natural justice and violation of Articles 14, 19, 21 and 300-A of Constitution of India and contrary to the Tender Conditions and also contrary to the equity Doctrines of Promissory Estoppel and legitimate expectation.

Heard Sri S. Ramachandra Rao, learned Senior Counsel appeared on behalf of Sri K.R. Prabhakar, learned counsel for the petitioner and learned Government Pleader for 1st and 2nd respondents, and Sri A. Jagan, learned counsel for the 3rd respondent.

The right of the petitioner with regard to the extension of the contract period cannot be gone into this writ petition. However, considering the peculiar facts of the particular case, particularly wherein the petitioner was terminated from carrying out the legitimate business for a particular period of time on account of the order granted by this Court, though at the instance of the 3rd party, there is some element of justification in the petitioner making a grievance as set out in the writ petition. However, the issue being in the realm of the contract, it is better to leave to the authorities to consider all these aspects, particularly the issue which has been raised by the petitioner in the writ petition and pass appropriate orders. As a matter of fact, petitioner appeared to have already made a representation dated 29.02.2016 setting out all the details. In that view of the matter, the writ

petition is disposed of with a direction to the respondent No.2 to consider the representation dated 29.02.2016 made by the petitioner and take a decision keeping in view of the various factors.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J.

10th March, 2016
Ssv