

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.31297 of 2016

ORDER:

1 This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the proceedings of the 2nd respondent in rejecting the request of the petitioner for issuance clearance certificate as illegal and arbitrary.

2 Heard the learned counsel for the petitioner and Sri A. Rama Rao learned standing counsel for APSRTC representing the respondent Nos.1 to 3.

3 Petitioner is the owner of the bus bearing No.AP 04 W 0809 of 2007 model, with seating capacity of 57 in all. The petitioner entered into an agreement with the first respondent – Corporation on 06.08.2015. As per the terms and conditions of the said agreement, the petitioner entrusted the bus to the Corporation. The agreement is for a period of one year with effect from 30.07.2015 to 29.07.2016. After expiry of the lease period, the respondent Corporation handed over the bus to the petitioner.

4 The grievance of the petitioner is that the 2nd respondent has not issued NOC in favour of the petitioner. The learned standing counsel submitted that the petitioner has to give an undertaking in favour of the Corporation for issuance of NOC.

5 At the time of arguments, the learned counsel for the petitioner submitted that the petitioner is ready and willing to give an undertaking in favour of the 2nd respondent. The

learned standing counsel for the APSRTC, in all fairness, submitted that the 2nd respondent has no objection whatsoever to issue NOC, provided, the petitioner gives an undertaking.

6 Having regard to the submissions made by both counsel, the 2nd respondent is hereby directed to issue NOC in favour of the petitioner in respect of the bus bearing No.AP 04 W 0809 on furnishing an undertaking by the petitioner in favour of the respondent – Corporation, within two weeks from the date of receipt of a copy of this order.

7 With the above direction, this Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

Date: 22nd September, 2016
Kvsn

T. SUNIL CHOWDARY, J