

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7227 OF 2016

ORDER:

The licence termination Notice dated 07.01.2016 issued by the 3rd respondent is challenged before this Court.

The case of the petitioner is that he was granted license on 05.11.2014 by the respondent authorities for running a "Purified Water" business in Stall No.99 with an open space of 6 x 6 feet at Mahatma Gandhi Bus Station, Hyderabad. As per the Deed of Licence dated 13.11.2015 in normal circumstances the license period is five years. By issuing impugned notice the petitioner was directed to vacate the stall as the area is required for other purposes of the Corporation. Hence, the Writ Petition.

Heard both sides.

Inasmuch as the notice has been issued in terms of the Clause 34 of the Deed of License, the petitioner cannot make any grievance so far as the notice is concerned. However, considering the fact that the petitioner was given license for a period of five years, the learned standing counsel for the respondent-Corporation was directed to ascertain whether the Corporation is willing to give alternative place to enable the petitioner to run the business for the balance period of license. On instructions learned standing counsel for the Corporation submits that as a matter of fact petitioner was offered Stall No.8 measuring 19 x 38.3 feet or Pargi Sector Platform – Open space. Learned counsel for the petitioner submits that the petitioner is not interested in taking either Stall No.8 or Pargi Sector Platform-Open space.

In the circumstances, inasmuch as the Corporation had acted reasonably, there being no vested right in the petitioner and the action being taken by the Corporation purely in terms of the licensing agreement, the interference of this Court is not called for with respect to the Notice dated 7.1.2016. However, learned counsel for the petitioner submits that the Stall No.75 is vacant and the petitioner is willing to take the same and seeks a direction to the respondents to consider his request. The request of the petitioner being reasonable, Corporation shall consider the feasibility of allotting the Stall No.75. In the event the Corporation is unable to accede to the request of the petitioner to allot the Stall No.75 and if the petitioner does not vacate the premises they may evict the petitioner in terms of the Notice

dated 7.1.2016. Till such time as the necessary decision is taken with respect to the request of the petitioner, status quo shall be maintained and the petitioner shall be allowed to continue the business in the present premises.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:26.04.2016.

Note:

Issue CC forthwith.

B/o

Ssv/Gk