

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36599 OF 2016

ORDER:

This writ petition is filed seeking to issue an appropriate writ, order or direction, more particularly, one in the nature of writ of Mandamus to declare that the petitioner is entitled to maintain the Cycle Stand and the Fast Food Center at Bapatla Area Hospital till December, 2018 in accordance with the orders in Rc.No.Spl./AH/Bapatla/2016, dated 23.1.2016; to declare that the action of the respondents in interfering with his petty business of running the Cycle Stand and the Fast Food Center in the said hospital for political reasons as illegal and arbitrary and consequently, to direct the respondents not to interfere with the business of maintaining the said Cycle Stand and Fast Food Center without following the due process of law as long as the petitioner continues to remit the monthly rentals, as required under the proceedings, dated 23.1.2016.

2. It is the case of the petitioner that he is a petty businessman engaged in the business of maintaining the cycle stand and fast food center at the Area Hospital, Bapatla. The petitioner along with his father was running the said business since 1999 by taking it on lease from Bapatla Municipality and the same was extended from time to time. In the year 2014, the said hospital was renovated and refurbished and respondent No.4 has invited tenders for maintenance contract of the cycle stand and the canteen and the petitioner became the highest bidder and hence, the contract was awarded to him for a period of two years. The petitioner was required to pay a monthly rental of Rs.15,000/- and

the same expired on 14.11.2015. However, he made an application to the Chairman of the Hospital Development Society on 9.10.2015 requesting to extend the same for a further period of two years with an enhancement of 10% of the monthly rentals payable. *Vide* proceedings, dated 23.1.2016, respondent No.4 issued orders with the approval of the Hospital Development Society by extending the lease period till December, 2018 on condition that the petitioner shall remit an amount of Rs.20,000/- per month towards rental with effect from February, 2016. On 28.7.2016, a new Committee has been constituted by respondent No.5 to run and manage the Hospital Development Society in accordance with the new policy of the Government. The petitioner apprehends that the members of the newly constituted committee may cancel his contract and award the same to a Telugu Desam Party loyalist.

3. Heard and perused the material available on record.
4. Learned Government Pleader for Medical and Health appearing for respondent No.4 submitted that the respondents, more particularly, respondent No.4 never interfered with the possession of the petitioner and never harassed him to vacate the premises. Further, he informed that if the respondents intend to vacate the petitioner from the premises in question, they will follow the due process of law.
5. Considering the facts and circumstances of the case and since respondent No.4 has already issued orders *vide* proceedings, dated 23.1.2016, extending the lease period till December, 2018, the respondents, more particularly, respondent No.4, are directed

not to interfere with the peaceful possession of the petitioner and if at all they want to vacate the petitioner from the premises in question, they have to follow the due procedure in accordance with law.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

28.10.2016
AMD

JUSTICE RAJA ELANGO



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Date: 28.10.2016

AMD