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

**WRIT PETITION No. 9164 of 2016**

Date:22.3.2016

Between:
K Someswara Sudhakar S/o Veerabhadra Rao
R/o D No. 15-11-29,
Adavivarapipeta, Eluru, West Godavari district

…..Petitioner

and

State of A P
Rep by its Prl Secretary to government
Municipal Administration & Urban Development Dept
A P Secretariat, Hyderabad and others

…..Respondents

The Court made the following:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE**
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PC: (Per the Hon'ble Sri Justice P.Naveen Rao)

Petitioner is a license holder for collection of Aseel in different markets of goats and animals within Eluru municipal corporation limits for the period from 1.4.2015 to 31.3.2016. In this writ petition, petitioner challenges subsequent tender notification issued by the municipal corporation calling for tenders for grant of such license for the period from 1.4.2016 to 31.3.2017.

2. Sri Seetharama Bhakthanjaneya Wholesale Vegetable Merchants Welfare Association(third respondent) instituted W P No. 13525 of 2013 challenging levy and collection of Aseel tax on the vehicles of the members of the said association. This Court, disposed of the writ petition by order dated 8.11.2013 directing the respondent municipal corporation to treat the copy of the writ petition as objections, consider the said objections upon hearing the petitioner and to take a decision on the issue. The direction was to complete the exercise within a period of six weeks and till such decision was taken, not to take coercive measures. Alleging that said order was not complied and fresh tender notification was issued which also authorize the licensee to collect Aseel from the members of the petitioner association, W P No. 12714 of 2015 is instituted. By order made in WPMP No. 16743 of 2015 in W P No. 12714 of 2015, this Court stayed the operation of the impugned notification. Petitioner herein is third respondent in the said writ petition.

3. Learned counsel for petitioner contends that though petitioner being highest bidder and entitled to collect Aseel tax on all the items mentioned in the tender notification and in the contract awarded to him, petitioner was not allowed to collect Aseel from the wholesale merchants in view of the orders of this Court in W.P. 13525 of 2013 dated 8.11.2013 and interim order passed in WPMP No. 16743 of 2015 in W P No. 12714 of 2015 dated 28.4.2015.

4. He further submits that his protest against award of the contract and demanding collection of the full bid amount was ignored and full bid amount was collected. On account of the illegal actions of the respondent corporation, petitioner is subjected to huge financial loss. Petitioner participated in the tender process for the year 2014-15 on the assumption that he would be entitled to collect Aseel from all traders within the limits of the municipal corporation.

5. It is further contended that though assurance was given to the petitioner that he would be allowed to collect the Aseel even after 31.3.2016 and no

notification would be issued, the impugned tender notification is issued. He further submits that even now the directions issued by this Court in W P No. 13529 of 2013 are not complied. Thus, impugned notification could not have been issued without complying with the directions issued by this Court in W.P. No. 13525 of 2013.

6. The grievance of the petitioner is, due to interim orders of this Court in WPMP No. 16743 of 2015 in W.P. No. 12714 of 2015, he was prevented from collecting Aseel from several transporters and is subjected to huge loss. Petitioner herein is third respondent in W P No. 12714 of 2015. If petitioner is aggrieved by the interim order or consequential action of the respondent corporation offending his rights flowing out of the contract for collection of Aseel for the year 2014-15 petitioner has to workout his remedies independently or prosecute the said writ petition. Admittedly, petitioner is a licensee for the period from 1.4.2015 to 31.3.2016 and impugned tender notification is for the subsequent period i.e., 2016-17. Thus, he has no right to challenge the said tender notification on the grounds urged and no relief as sought in the writ petition can be granted. If directions issued in W P No. 13525 of 2013 are violated, it is for the petitioner therein to workout his remedies and certainly not open for this petitioner to complain on that ground.

7. Thus, there is no merit in the writ petition and the same is dismissed. However, it is open for the petitioner to workout his remedies as available in law, if he has any subsisting grievance with reference to licence granted to him to collect Aseel for the period from 1.4.2015 to 31.3.2016.

8. Accordingly, the writ petition is dismissed. There shall be no order as to costs. Miscellaneous petitions if any pending in the writ appeals shall stand closed.

**DILIP B. BHOSALE, ACJ**

**P.NAVEEN RAO, J**

Date: 22.3.2016
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**AND**
**HON'BLE SRI JUSTICE P.NAVEEN RAO**

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