

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.14783 of 2017

Order:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner states that he is a poor and physically handicapped person with 80% disability. He is running a Public Call Office (PCO) at CSD Gate, Osmania General Hospital, Hyderabad, since he was permitted by the second respondent, the Superintendent, Osmania General Hospital, Hyderabad in 1988. It is also the case of the petitioner that an amount of Rs.400/- was fixed as rent for running the said PCO and the rent was subsequently enhanced in the year 2003. Now, it is stated across the Bar that the rent is Rs.640/-. Now, when a notice of eviction was issued on 24.03.2017 by the second respondent, in pursuance of the orders of this Court in W.P.No.21401 of 2012 dated 29.08.2016, the present Writ Petition is filed.

It appears that W.P.No.21401 of 2012 was filed by similarly situated person, when he was asked to remit the enhanced yearly rent from 2003 to March 2012. While dismissing the said Writ Petition, this Court directed the second respondent to examine the legality and authority of allotment, terms of lease etc., in favour of the petitioner therein and after initiating action against the petitioner therein, the second respondent was directed to initiate similar action against the allottees, who have been allotted space without definite terms and conditions in the premises of Osmania General Hospital. The second respondent was given liberty to re-allot the spaces after conducting auction.

Now, the present impugned order is stated to have been passed pursuant to the said order of this Court, which reads as follows:

“Sri R. Ramesh Kumar, P.C.O., at CSD Gate, OGH, Hyderabad is hereby instructed to immediately evict the PCO at CSD Gate, OGH, as per the Hon’ble High Court order vide reference 1st cited above, failing which necessary action will be initiated.”

Since it is a one line order and does not contain any reasons, this Court is satisfied that this Writ Petition has to be allowed solely on the ground of the impugned order not containing reasons.

The Writ Petition is, accordingly, allowed and the matter is remanded to the second respondent for passing appropriate orders giving due reasons for eviction of the petitioner in terms of the orders passed by this Court in W.P.No.21401 of 2012 dated 29.08.2016. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 24.04.2017
Nsr

A. RAMALINGESWARA RAO, J