

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.24752 of 2017

ORDER:

Heard the learned counsel for the petitioner and Smt P.Sundari learned Standing Counsel for the respondents.

2. An order passed by the Joint Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi/second respondent herein vide Proceedings Roc.No.Rev.2/8151/AEO(REV)/Tpt/2016, dated 06.07.2017, is under challenge in the present writ petition.

3. The respondents issued a tender notification on 15.12.2016 inviting tenders for maintenance of Parking Area at Alipiri Tourist Bus Stand, Tirupathi for collection of parking charges from the vehicles for a period of one year. In response to the same, petitioner herein also submitted his application and he was declared highest bidder which was confirmed for a sum of Rs.2,00,007/- per month towards license fee. By virtue of the order under challenge, the second respondent herein terminated the license of the petitioner herein on the following grounds:

- "1. The Contractor of Alipiri Parking Area is collecting higher parking charges than the rates fixed in the tender norms.
2. The display boards provided in the Alipiri parking place are stuck off and phone number also painted and corrected.
3. Contractor is not paying the statutory taxes as per the tender norms.
4. Some of the persons are consuming alcohol in the parking premises. As per tender conditions, such type of antisocial activities should be informed to the TTD Vigilance Department. But the contractor had not informed to the TTD Vigilance Department.?"

4. The contention of the learned counsel for the petitioner is that the second respondent herein resorted to impugned action of termination of license without being preceded by any show-cause notice and opportunity to the petitioner herein. Learned counsel for the petitioner contends that the impugned action is a patent violation of principles of natural justice and it attracts violation of Article 14 of the Constitution of India.

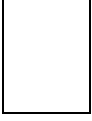
5. On the other hand, it is submitted by the learned Standing Counsel for the respondents that even as per the license conditions no notice is required.

6. It is a well established proposition of law that any action which has a civil consequence must necessarily be preceded by a notice and opportunity to the persons likely to be affected by such action. In the instant case, the same is followed in breach. Therefore, on this ground of non-issuance of show-cause notice, this Court is inclined to remit the matter to the respondents for fresh consideration.

7. For the aforesaid reasons, the writ petition is disposed of, leaving it open for the petitioner herein to submit explanation by treating the order of termination dated 06.07.2017 as a show-cause notice, within a period of two weeks from the date of receipt of a copy of this order and if any such explanation is offered within the time stipulated above, the same be considered and appropriate orders be passed in accordance with law, after giving opportunity of hearing to the petitioner herein. It is made clear that in the event of failure on the part of the petitioner herein to submit explanation within the time stipulated above, this order will not enure to the benefit of the petitioner. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

Date: 08.08.2017
grk

A.V.SESHA SAI, J



THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.24752 of 2017

Dated:08.08.2017

grk