

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos. 13038 of 2016 and 21791 of 2017

COMMON ORDER:

These two writ petitions are being disposed of by this common order as the petitioner is one and the same.

The petitioner is a physically handicapped person and belongs to Scheduled Caste community. His wife is also a physically handicapped person and they are blessed with a baby. While so, the petitioner was allowed to run STD and PT Coin Box in Stall No.51 at NTR Bus Stand, APSRTC, Guntur. He was allotted the said shop for five years from 20.02.2014 to 19.02.2019 on a monthly licence fee of Rs.6,650/-. The allotment was made since he was a successful tenderer pursuant to a tender notification, dated 22.10.2013. He committed default in payment of monthly licence fee due to his ill-health, demonetisation and other problems. In those circumstances, an order of termination was passed on 30.03.2016. Challenging the same, the petitioner filed W.P.No.13038 of 2016.

This Court passed an order on 22.04.2016 in W.P.No.13038 of 2016 directing the petitioner to pay 50% of the outstanding amount and the balance 50% in quarterly instalments. The petitioner complied with the said order. When there was further default, another order of termination was passed on 27.06.2017. Challenging the same, he filed

W.P.No.21791 of 2017. In the said writ petition, this Court by order, dated 01.09.2017, directed the petitioner to pay an amount of Rs.50,000/- in order to show his *bona fides* and accordingly, the petitioner paid the said amount on 08.09.2017.

Counter-affidavits are filed in both the writ petitions justifying the termination of licence due to defaults committed by the petitioner in paying monthly licence fee. It appears that the petitioner lodged a police complaint against the officials of the Corporation under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and a case is pending against the Assistant Traffic Manager, APSRTC, Guntur. It is stated that the said case was lodged by the petitioner without any basis, but only to take revenge whenever the outstanding amount was demanded from him. It is also stated that though the petitioner paid an amount of Rs.50,000/-, the licence fee from July, 2017 to September, 2017 is due and tenders were already called for to allot the stalls in open auction.

It is an admitted fact that the petitioner and his wife are physically handicapped persons and they were duly allotted Stall No.51 at NTR Bus Stand, APSRTC, Guntur. The area of the stall is 6'X6'. It appears that the petitioner paid the entire amount up to May, 2017 and the licence fee for the months of July to September, 2017 is due. Though the petitioner might have filed a case against the Assistant Traffic Manager, APSRTC, Guntur, that cannot be a ground for terminating his licence as it is

common knowledge that there was a slump in maintenance of STD Booths after availability of mobile phones.

Therefore, the writ petitions are allowed by setting aside the impugned orders and the petitioner is directed to pay the licence fee from July, 2017 to October, 2017 on or before 31.10.2017 and continue to pay the licence fee within the stipulated date without fail. If the petitioner commits default in payment of licence fee continuously for two months, is open to the respondents to take appropriate action in accordance with law for termination of licence.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

Dt:11.09.2017

kdl



A.RAMALINGESWARA RAO,J

