

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

WRIT PETITION No.13160 of 2017

ORDER:

Heard Sri V.Ch. Naidu, learned counsel for the petitioner and Sri B. Mayur Reddy, learned Standing counsel for the respondent Corporation.

The order of termination and forfeiture of security deposit passed by the Divisional Manager, Khammam, 2nd respondent, vide proceedings, dated 21.03.2017, is under challenge in the present Writ Petition.

Learned counsel for the petitioner submits that without being preceded by any proper show cause notice and opportunity, the 2nd respondent passed the order under challenge and that the very forfeiture of deposit amount, in the facts and circumstances of the case, is untenable and contrary to condition Nos.47 and 48 of the deed of licence.

On the other hand, it is submitted by the learned Standing counsel, Sri B. Mayur Reddy, that strictly adhering to the principles of natural justice and the conditions of deed of licence, the 2nd respondent passed the impugned order, dated 21.03.2017, terminating the licence while forfeiting the security deposit to the corporation. It is further submitted that in view of clause 36 of the deed of licence, dated 22.06.2015, the present Writ Petition, filed under Article 226 of the Constitution of India, is not maintainable and that it is open for the petitioner to make an application before

the Vice Chairman and Managing Director, TSRTC, for redressal of his grievance. Clause 36 of the deed of licence reads as under;

“In all disputes on the scope and doubts of interpretation of the clauses or conditions and application of the licence or otherwise the decision of the Vice Chairman and Managing Director, APSRTC, shall be final.”

In view of the above alternative remedy available to the petitioner, this Court deems it appropriate to relegate the petitioner to the said alternative remedy by filing necessary application before the Vice Chairman and Managing Director, TSRTC, for consideration of his grievance and for redressal.

For the aforesaid reasons, the Writ Petition is disposed of permitting the petitioner to make an application under clause 36 of the deed of licence before the Vice Chairman and Managing Director, TSRTC, within a period of two weeks from the date of receipt of a copy of this order. If any such application is made, the same be considered and appropriate orders be passed in accordance with law, within a period of four weeks thereafter.

Miscellaneous petitions, if any, shall also stand disposed of.
No order as to costs.

A.V.SESHA SAI, J

Date: 27.04.2017
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