

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 32704 of 2017

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the proceedings No.1/ 259(AP-04-W2365)2008-FM KDP dated 18.07.2017 of the second respondent in not accepting the request of the petitioner for issuance of clearance certificate in respect of bus bearing registration No. AP 04W-2365, while delivering possession of the said vehicle to the petitioner after completion of lease period, as arbitrary, illegal and contrary to law; and consequently direct the respondents to issue clearance certificate in respect of the said bus and also to pay the arrears of hire amounts.

2) The averments in the affidavit filed in support of the writ petition would show that the petitioner is the owner of a bus bearing No. AP 04 W 2365 model, with seating capacity of 55, in all. In the year 2007, the petitioner entered into an agreement with the respondents for a period of four years and subsequently the same was extended from time to time. As per the latest agreement dated 27.01.2016, the lease period is for a period of two years ie. from 25.01.2016 to 24.01.2017. After the expiry of lease period, the respondents handed over the bus to the petitioner.

3) The grievance of the petitioner is that the second respondent has not issued clearance certificate in favour of the petitioner.

4) In similar circumstances, a learned Single Judge of this Court in W.P.No.19021 of 2017, directed the respondents therein to issue NOC in favour of the petitioner therein in respect of bus bearing No. AP 04 W 4239, on his furnishing an undertaking in favour of the Corporation to make good the Corporation from its claim of non-liability, within two weeks from the date of receipt of a copy of the said order.

5) Having regard to the above, the second respondent-Corporation is hereby directed to issue clearance certificate in favour of the petitioner in respect of bus bearing No. AP 04 W 2365, on his furnishing an undertaking in favour of the respondents-Corporation, within two weeks from the date of receipt of a copy of this order.

6) With the above direction, the writ petition is disposed of.

7) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

22.09.2017
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