

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 32068 of 2017

Order:

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

The petitioner was granted licence by the TSRTC for running Bakery and Cool Drinks Stall No.26 in Kamareddy Bus Station on payment of monthly licence fee of Rs.1,91,999/- for a period of 5 years with effect from 01.12.2016. While so, a show cause notice was issued on 30.08.2017 proposing to terminate the licence on the ground that the petitioner failed to pay licence fee from May 2017 to August 2017. Though the petitioner submitted an explanation on 04.09.2017, without considering the same, when an order of termination was passed on 12.09.2017, the present Writ Petition is filed.

Learned counsel for the petitioner submits that the petitioner made several representations on 30.03.2017, 06.05.2017 and 08.05.2017 to the respondents 1 and 2 by bringing to their notice that because of inaction of the respondents only he suffered loss, as other stall owners are selling similar items permitted to the petitioner and no action is being taken by the respondents. He raised other points also in his explanation.

A reading of the impugned order shows that the licence is terminated only on the ground that the petitioner did not clear the outstanding licence fee till date. It appears that the said decision was taken by the Depot Manager and was communicated to the Divisional Manager who issued the show cause notice. The Divisional Manager now terminated the licence without considering the explanation of the

petitioner. It is apparent that the Divisional Manager acted on the instructions of the Depot Manager.

In the circumstances, the Writ Petition is allowed and the impugned order is set aside giving liberty to the first respondent to take appropriate action after considering the explanation submitted by the petitioner. Till such time, the activity of the petitioner shall not be interfered with. 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: 19.09.2017
Nsr

A. RAMALINGESWARA RAO, J

