

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.31430 of 2017**

**ORDER:**

This Writ Petition is filed under Article 226 of the Constitution of India seeking a writ of mandamus declaring the proceedings of the second respondent in rejecting the request of the petitioner for issuance of clearance certificate, as illegal and arbitrary.

Heard learned Counsel for the petitioner and Sri A.Rama Rao, learned Standing Counsel for APSRTC representing respondent Nos.1 to 3.

The petitioner is the owner of the bus bearing No.AP 04 W 3656 of 2008 model, with seating capacity of 57, in all. The petitioner entered into an agreement with the first respondent – Corporation on 18.04.2016. As per the terms and conditions of the said agreement, the petitioner entrusted the said bus on lease to the Corporation. The agreement is for a period of one year with effect from 19.04.2016 to 18.04.2017. After expiry of the lease period, the respondent Corporation handed over the bus to the petitioner.

The grievance of the petitioner is that the second respondent has not issued 'No Objection Certificate' (for short, NOC) in favour of the petitioner. The learned Standing Counsel submitted that the petitioner has to give an undertaking in favour of the Corporation for issuance of NOC.

At the time of arguments, learned Counsel for the petitioner submitted that the petitioner is ready and willing to give an undertaking in favour of the second respondent. The learned Standing Counsel for the APSRTC, in all fairness, submitted that the second respondent has no objection whatsoever to issue NOC, provided, the petitioner gives an undertaking.

Having regard to the submissions made by both the learned Counsel, the second respondent is hereby directed to issue NOC in favour of the petitioner in respect of the bus bearing No. AP 04 W 3656 on his furnishing an undertaking in favour of the respondent – Corporation to make good the Corporation from its claim of non-liability, within two weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

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**(A.RAMALINGESWARA RAO, J)**

15.09.2017  
vs