

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.19021 of 2017

ORDER :

1 This writ petition is filed, under Article 226 of the Constitution of India, seeking a writ of Mandamus declaring the proceedings of the 2nd respondent in rejecting the request of the petitioner for issuance clearance certificate as illegal and arbitrary.

2 Heard learned counsel for the petitioner and Sri A.Rama Rao, learned Standing Counsel for APSRTC representing respondent Nos.1 to 3, offers to file vakalat saying got instructions.

3 Petitioner is the owner of the bus bearing No.AP 04 W 4239 of 2008 model, with seating capacity of 57, in all. The petitioner entered into an agreement with the first respondent –Corporation on 26.04.2014. 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 two years with effect from 26.04.2014 to 25.04.2016. After expiry of the lease period, the respondent Corporation handed over the bus to the petitioner.

4 The grievance of the petitioner is that the 2nd 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.

5 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 2nd respondent. The learned Standing Counsel for the APSRTC, in all fairness, submitted that the 2nd respondent has no objection whatsoever to issue NOC, provided, the petitioner gives an undertaking.

6 Having regard to the submissions made by both the counsel, the 2nd respondent is hereby directed to issue NOC in favour of the petitioner in respect of the bus bearing No. AP 04 W 4239 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.

7 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.

Dr. B.SIVA SANKARA RAO J,

Date:14.06.2017

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