

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 21375 of 2016

Order:

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

The petitioner states that he is an authorized licensee of Shop No.8 for running a Canteen in Ongole Bus Station for a period of seven (7) years commencing from 08.07.2014 on payment of monthly licence fee of Rs.3,00,700/-. It is the case of the petitioner that he has been paying the said amount regularly. While so, when an order was passed on 27.05.2016 stating that the petitioner was selling packed (food and beverages) items contrary to the terms and conditions of the agreement and the petitioner was asked to remove and stop selling of unauthorized items with a threat to take further action to terminate the licence of Stall in case of failure, the present Writ Petition was filed.

Learned counsel for the petitioner submits that the petitioner never violated the terms and conditions of the licence and he is complying with the same. He also submitted that no show cause notice was issued at any point of time and all of a sudden in the impugned order it was stated that the petitioner was violating the terms and conditions of licence. He further submitted that packed (food and beverages) items are authorized items and for that the petitioner cannot be warned or a threat cannot be given to him proposing to terminate the licence.

Though the learned Standing Counsel for the respondents pointed out that the petitioner is selling the items other than that were mentioned in the annexure to the agreement the said allegation is not incorporated in the impugned order.

Since a reading of the impugned order only shows that it is a warning given to the petitioner not to deviate from the terms and conditions of the licence and since the petitioner agrees to abide by the terms and conditions of the licence, no action is warranted by the respondents for terminating the licence, if any.

The Writ Petition is, accordingly, allowed. 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: 17.08.2017
Nsr

A. RAMALINGESWARA RAO, J

