

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.5203 of 2015 and 36790 of 2017

COMMON ORDER:

Since the issues involved in both the Writ Petitions are related, they are heard and disposed of together.

Writ Petition No.36790 of 2017 is filed for a *Mandamus* to declare the action of respondent No.4 in locking the shop allotted to the petitioner at O.S.No.16 at Kuppam Bus Station, on 13.9.2017 and thereby, restraining the petitioner from entering the said premises as illegal and consequently, to direct the respondents not to evict the petitioner from the said shop.

Writ Petition No.5203 of 2015 is filed for a *Mandamus* to declare proceedings No.C5/437/2012-OPD (C), dated 20.8.2014, issued by respondent No.2 as illegal and arbitrary and consequently, to direct respondent Nos.2 and 3 to convert the licence of the petitioner, vide No.T2/122(72)/2010-RM (T), dated 05.5.2010, as allotment under the DOT Scheme.

Admittedly, the petitioner was granted licence in respect of the shop at Open Space No.16 at Kuppam Bus Station from 21.4.2010 for a period of five years. Earlier, when a show cause notice was issued to the petitioner, he filed Writ Petition No.13224 of 2014 which was disposed of with the direction to

the respondents that till the representations of the petitioner are disposed of, his licence shall not be terminated. Subsequently, when he made an application for converting the said licence as allotment under the DOT Scheme, the same was rejected. As such, he filed Writ Petition No.5203 of 2015, wherein this Court on 11.6.2015, granted interim order as under:-

“There shall be interim suspension of the impugned order, dated 20.8.2014, for a period of four weeks on the condition of the petitioner paying differential amount with respect to the additional space occupied by him within that time.”

On 16.7.2015, the said interim order was extended until further orders.

Today, learned Standing Counsel for respondent Nos.2 to 4 produced the written instructions stating that the petitioner is due an amount of Rs.5,01,634/-, which is disputed by the learned counsel for the petitioner.

Learned counsel for the petitioner submitted that the petitioner has been paying the licence fee regularly in respect of the additional Open space occupied by him.

It is to be seen that even according to the petitioner, his licence period expired on 19.6.2015 and his application for converting his license as allotment under the DOT Scheme was

rejected. Therefore, he has no legal right to continue in the said premises as the same is subjected to a specified term.

In view of the same, I do not see any merit in both the Writ Petitions and the same are, accordingly, dismissed. No costs.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand dismissed.

JUSTICE A.RAJASHEKER REDDY

06th November 2017

DR

