

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19887 of 2013

ORDER:

This writ petition is filed by the petitioners, under Article 226 of the Constitution of India, seeking to declare the action of the respondents in proceeding with DOT scheme for allotment of shops in Gurazala bus depot/bus station without proper advertisement and notice to public after putting up a notice that the tender process is called back discontinued as illegal and arbitrary and consequently to direct the respondents to issue fresh notification to call for fresh tenders from public by cancelling the earlier notification.

2. Heard both sides and perused the material available on record.

3. The brief facts of the case are that the respondent Corporation invited applications from interested persons for construction of shops in the bus stand premises under DOT scheme by which licence will be granted for a period of 20 years on receipt of non-refundable deposits by issuing tender notice, dated 25.03.2013 and that in Guntur region, the tenders were invited for construction of shops in Bapatla, Amaravathi, Tenali, Gurazala, Peddakurapadu and Sattenapalli bus stand premises. It is further submitted that when it came to the public notice, the persons running petty shops in front of and beyond the compound wall of Gurazala Bus Depot sent a notice to the respondent Corporation stating that they are running shops and injunction was also granted in their favour in O.S.No.449 of 2007 against some of the respondents herein and as such the respondent Corporation

cannot construct any shops. The said notice was issued under the impression that the shops will be constructed by the respondent Corporation opening into the shops of the persons which are in Gram Panchayat land and they may lose their livelihood. After notice, it was notified by the 1st respondent that the constructions of shops were stopped in Gurazala bus depot. It is further submitted that now, the petitioners came to know that the tenders were received as per earlier schedule and the respondent authorities have accorded approval of the tender for allotment of DOT shops. It is further submitted that insofar as shops at Gurazala Bus Depot were concerned, the tenders were stopped by putting a board. As such, there was no opportunity for all the concerned to participate in the tender. In fact, after putting a notice of stopping of construction of shops, the respondent authorities seem to have obtained legal opinion and on the basis of the said legal opinion the earlier tender was continued without proper information to the public at large. The general public were unaware of subsequent developments and they have not applied for tender forms and not submitted tender forms for allotment of shops and similarly, the petitioners have also lost chance to apply for the same. It is further submitted that the petitioners came to know that some individuals have applied for allotment of the shops under DOT scheme and the respondent authorities are continuing the process and are going to approve the names of individuals after accepting their proposal and if the same is allowed, the petitioners will be put to irreparable loss and injury. Hence, the petitioners pray to direct the respondents not to grant final approval to any

individual for construction of shops under DOT scheme in Gurazala Bus Depot/bus station, Guntur District.

4. Counter affidavit was filed on behalf of the respondent Corporation by contending that in the judgment in O.S.No.449 of 2007, dated 18.06.2008, the Principal Junior Civil Judge, Gurajala, granted perpetual injunction against the respondent Corporation not to interfere with the peaceful possession only and that in fact, the plaintiffs' shops were not in the premises of the respondent Corporation and in that connection, legal opinion has been obtained from the learned Standing Counsel for the respondent Corporation, Guntur, and on an opinion that there is no problem to the respondent Corporation to call for the tenders under DOT Scheme at Gurajala Bus Station without disturbing the possession of the plaintiffs' shops in front of the bus station at Gurajala and hence, there is no relation between the plaintiffs' shops and the proposed DOT scheme in the premises of Bus Station, APSRTC, Gurajala. It is further submitted that a proper notification was issued in Shakshi Daily newspaper of District Edition on 02.04.2013 calling for tenders for construction of shops under DOT scheme at Gurajala Bus Station and the tenders were opened and finalized on 20.05.2013 and the successful bidders were issued allotments and the petitioners are no way connected with the matter and the writ petition is not maintainable and it is liable to be dismissed.

5. Learned Standing Counsel for the respondent Corporation informed that tenders were opened and the highest bidders were also allotted the work and the construction is in progress.

6. Considering the said facts and circumstances and the submissions of the learned Standing Counsel for the respondent Corporation, this Court is of the view that nothing survives in this writ petition for adjudication and the writ petition is liable to be dismissed as infructuous.

7. Accordingly, the Writ Petition is dismissed as infructuous. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO,J

Date: 18th April, 2017

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