

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.15400 of 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent Corporation in not taking any action on the representation of the petitioners as illegal, arbitrary and violative of Articles 14 and 19(1)(g) of the Constitution of India and further direct then Respondents to grant extension for a further period of three years for running ‘Markesh Pier 33’ at Durgam Cheruvu, Road No.46, Jubilee Hills, Hyderabad”.

2. Earlier, petitioners filed W.P.No.26230 of 2015 and W.P.No.7238 of 2016. In the said writ petitions, the learned Judge of this Court passed a common order on 18.3.2016, which reads as under:

“Considering the business interest of both the petitioners and the Respondent Corporation, subject to further orders that may be passed in the Writ Petition with respect of working out the modalities of settlement of disputes between the parties, there shall be interim direction to the Respondent Corporation to provide access to the barricaded area including toilets, to enable the petitioners to carry on the business from today. The petitioners shall deposit a sum of Rs.10,00,000/- (Rupees ten lakhs only) immediately and further to pay a sum of Rs.1,80,000/- (Rupees one lakh eighty thousand only) per month + taxes if any payable, in addition to the existing undisputed rent which is liable to be paid, with effect from March, 2016.

List the matter on 29.3.2016”.

3. As against the said order, the Telangana State Tourism Development Corporation preferred W.A.Nos.445 and 446 of 2016 and the Division Bench of this Court disposed of the said Appeals on 16.6.2016 and the operative portion of the said order reads as under:

“We have heard learned Senior Counsel for the parties for some time and with their assistance gone through the materials, to which, our attention was specifically invited to, including the order dated 20.8.2015 passed in Writ Petition No. 26230 of 2015. Learned counsel for the parties have agreed for the order that we propose to pass and have fairly stated that we need not record any reasons for the same. Hence, we dispose of these appeals by the following order:

“a) Pending the hearing and final disposal of the writ petitions, the respondents, (i.e., the petitioners in writ petitions) shall pay a sum of Rs.3.00 lakhs (Rupees Three Lakhs Only) per month plus taxes, if any, payable in addition to the existing undisputed rent, which is liable to be paid as per the licence agreement, with effect from 16.6.2016. It is made clear that the respondents have agreed to pay this amount without prejudice to their rights and contentions and this shall not be construed to mean that they have accepted the said amount as licence fee in respect of the area in dispute. The respondents shall pay this amount on or before 10th of every month.

b) If the respondents-writ petitioners ultimately succeed in the writ petitions, they would be entitled for refund of the said amount with interest that may be fixed by the learned Single Judge while disposing of the writ petitions.

c) The appellants, in particular, appellant No.2, who is present in the Court, shall remove the barricades and provide access to the barricaded area, as indicated in the impugned order before 4.00 P.M. today. Appellant No.2, who is present in the Court undertakes that he

shall remove the barricades as mentioned above. His undertaking is recorded and accepted.”

In view of the peculiar facts and circumstances of the case and having regard to the fact that the writ petitions were fixed for hearing in March, 2016 itself, we request the learned Judge to decide the writ petitions expeditiously.

This order, shall remain operative till disposal of the writ petitions and for a further period of 15 days, if the order passed in the writ petitions is adverse to the writ petitioners. While passing this order, we shall not be understood to have expressed any opinion on merits of the case. All contentions of the parties are kept open.

The writ appeals are accordingly disposed of. Consequently, pending miscellaneous petitions shall also stand closed.”

4. The complaint of the petitioners in the present Writ Petition is that though the petitioners made a representation to the 2nd respondent on 11.4.2017 for extension of lease, no action has been taken on the said representation.

5. Admittedly, the said representation dated 11.4.2017 is pending consideration before the 2nd respondent and according to the learned Senior Counsel Sri M.S.Prasad, no action has been taken so far on the said representation. Since the said representation dated 11.4.2017 is pending consideration before the 2nd respondent, this Court deems it appropriate to direct the 2nd respondent to consider and take appropriate action on the representation dated 11.4.2017 as expeditiously as possible.

6. For the foregoing reasons, the writ petition is disposed of, directing the 2nd respondent to take appropriate action on the

representation dated 11.4.2017 said to have been made by the petitioners herein, in accordance with law, within a period of two weeks from the date of receipt of this order, after giving notice and opportunity to the petitioners herein and it is open for the petitioners to submit all the documents before the Respondents in support of their claim. *Status quo* as on today shall be maintained by the parties with regard to possession for a period of six weeks from the date of receipt of this order. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 26.4.2017
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A.V.SESHA SAI, J



