

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.43218 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“... to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus, directing the 2nd respondent to consider the representation of the petitioner dated 12.10.2017 and pass appropriate orders in accordance with law to compensate the petitioner, for his loss of licence period in conformity with the order dated 01.05.2014 in C.M.A.No.2 of 2014 on the file of the Court of Principal District Judge, Mahabubnagar, declaring the inaction of the respondents in considering the representation of the petitioner is high unjust, unwarranted and illegal; and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.”

I have heard the submissions of Sri C. Ramachandra Raju, learned counsel appearing for the petitioner, and of Sri B. Maryur Reddy, learned standing counsel representing the respondents. I have perused the material record.

The facts which are necessary to be stated as a preface to this order, in brief, are as follows:

The petitioner was granted the subject shop premises for carrying on business at Jedcherla Bus Station, for the five years contract period, that is, from 24.12.2012 to 23.12.2017. However, in the meanwhile the contract of the petitioner is terminated and possession was taken on 12.08.2013. Therefore, the petitioner initiated proceedings before the

civil Court. The civil Court by orders, dated 01.12.2014 in C.M.A.No.2 of 2014 on the file of Principal District Judge at Mahabubnagar, allowed the said appeal of the petitioner and directed restoration of possession. Later possession was restored to the petitioner, on 10.02.2015, and according to the petitioner he started his business, on 29.03.2015, and is continuing till date. The original licence/contract period comes to an end on 23.12.2017. The petitioner made a representation, dated 12.10.2017, to the Regional Manager, TSRTC, Mahabubnagar region/2nd respondent, requesting to make good the period which he lost on account of the illegal termination, that is, from 12.08.2013 to 29.03.2015. Since that representation is not considered, the petitioner is before this Court.

At the hearing, learned counsel for the petitioner, while reiterating the pleaded case of the petitioner, would submit that if the representation is directed to be disposed of and the possession of the petitioner over the subject shop is protected till such time, the ends of justice would be met.

Learned standing counsel, on instructions, would submit that as per the terms and conditions of the contract in case of any disputes or doubts about interpretation of clauses of the contract, the decision of the Vice Chairman and Managing Director, TSRTC, shall be final and, therefore, there is an internal arrangement for resolution of the disputes and, therefore, the petitioner is obliged to make a representation to the said authority. He would further submit that if the petitioner makes

such a representation to the said authority the same will be disposed of and a considered decision would be taken in the matter and that till such time the petitioner's possession over the subject property will not be interfered with.

Having regard to the facts and submissions, the Writ Petition is disposed of directing the petitioner to submit a fresh representation to the Vice Chairman and Managing Director, TSRTC, within two (2) weeks from the date of receipt of a copy of this order along with a copy of the representation, dated 12.10.2017; on the petitioner submitting a fresh representation along with a copy of the earlier representation as afore-stated, the said authority shall consider and dispose of the same in strict accordance with the procedure established by law, within two weeks thereafter and communicate the decision taken thereon to the petitioner. Till such exercise is completed, the possession of the petitioner over subject property shall not be interfered with in any manner. In the event the petitioner fails to submit a fresh representation to the said authority as directed supra, the concerned authority of the respondents shall be at liberty to proceed in accordance with the procedure established by law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

22.12.2017

Note: Issue CC today.

[B/o]

Vjl