

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3955 OF 2018

ORDER:

Questioning the action of Respondents 2 and 3 District Panchayat Officer, Ranga Reddy District and Secretary, Kothur Gram Panchayat respectively in permitting the 4th respondent – new auction bidder for collection of Thaibazar / parking fees under agreement dated 02.02.2018, during subsistence of the lease period of the petitioner, this Writ Petition is filed.

The claim of the petitioner is that he was the successful bidder in the auction held for Thaibazar to collect parking fees in the market locality within Kothur Gram Panchayat, for a period of ten months commencing from June 2017. While so, the petitioner came to know that a new notification has been issued on 18.01.2018 seeking to auction the right to collect parking fees. It is the specific contention of the petitioner that in terms of the licence granted in his favour, he alone is entitled to collect the parking fees and it is only on that premise, on earlier occasion, the petitioner had offered to pay a sum of Rs.1,50,000/-.

A counter-affidavit has been filed specifically denying the factum of conferring any right on the petitioner to collect the parking fees. It has been further stated that, though there was no right on the petitioner to collect the parking fees, till the date of allotment in favour of the 4th respondent, the petitioner had, in fact, collected the fees, but however, the respondent gram panchayat had not taken any steps to recover the same from him. It is also asserted that the petitioner was conferred the right to collect fees with respect to Thaibazar but not the parking fees.

Heard learned counsel for the petitioner as well as learned Standing Counsel for the respondent gram panchayat.

A careful perusal of the notice issued earlier and the agreement entered into between the petitioner and the gram panchayat does not disclose any specific items for which the petitioner could collect the fees. The learned Standing Counsel for the gram panchayat has also placed on record the resolution passed by the gram panchayat dated 24.06.2017, wherein, for the first time, it was decided to collect parking fees at Rs.100/-. The agreement in favour of the petitioner is dated 01.06.2017. Inasmuch as the resolution passed by the gram panchayat to collect the parking fees is dated 24.06.2017, *prima facie*, the contention of the petitioner that collection of parking fees is in addition to Thaibazar cannot be accepted.

In those circumstances, there being no vested right in the petitioner, the action of the gram panchayat in permitting the 4th respondent to collect the parking fees cannot be found fault with. Hence, the Writ Petition is devoid of merit and it is accordingly, dismissed. However, it is made clear that the right, which is conferred on the petitioner in terms of the agreement dated 01.06.2017, is not affected by the decision taken preventing the petitioner from collecting the fees with respect to parking area. No costs.

Consequently, the miscellaneous Applications if any shall stand closed.

CHALLA KODANDA RAM, J

21st February 2018

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