

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION.NO. 27736 OF 2017

ORDER:

This Writ Petition is filed challenging the action of the respondents 3 and 4 in calling and conducting auction on 27.7.2017 in pursuance to the auction notice dated 14.7.2017 without passing the orders on the representation filed by the petitioner on 20.1.2017.

The petitioner states that he is an authorized dealer of Hindustan Unilever Limited, Chennai and he was given permission to run the business on behalf of the said company in pursuance to an agreement dated 7.5.2007. The 3rd respondent passed a resolution on 24.1.2008 and also on 25.2.2008 deciding to give licences only to reputed companies since the licences given to private persons is causing losses to the Devasthanam. In view of the same, the 3rd respondent called for quotation from three reputed companies with a condition that the company or their authorized representative should run tea and coffee stalls if license is granted. Pursuant to the said invitation, the three companies sent their quotations and out of them the highest quotation was submitted by Hindustan Unilever Limited Bru Division, Chennai. Accordingly, the 4th respondent sent proposals to award license to the

Hindustan Unilever Limited and the license was granted. The license was for a period of one year. Thereafter, it was renewed from time to time and it was renewed upto 31.8.2016 at an enhanced rent of Rs.7,000/- per stall. The petitioner was asked to relocate the stall from the original place allotted to him and as per clause-16 of the lease agreement, the license of the petitioner was cancelled to run tea and coffee stalls in the temple premises. When no steps were taken to restore the license, the petitioner filed Writ Petition No.32699 of 2015 and the same was dismissed on 17.10.2015 giving liberty to the petitioner to submit a representation. Accordingly, a representation was submitted by Hindustan Unilever Limited on 20.1.2017 and without considering the same, when a public auction notice dated 14.7.2017 was issued by the 4th respondent, the present Writ Petition was filed.

In the counter affidavit filed by the 4th respondent, it is stated that the renewal of the shop in favour of the petitioner expired on 31.8.2016 and the Writ Petition filed by the petitioner was also dismissed. Since there was no lease existing in favour of the petitioner as per the directions of the Commissioner dated 15.5.2017, an auction notice was issued and the auction was conducted on 27.7.2017. In the auction, the stall which was originally allotted to the petitioner fetched

Rs.15,000/- which was double the previous amount paid by the petitioner. Since the rules stipulate that the normal mode of grant of license is only by way of public auction, public auction was conducted and one Ch. Chakra Rao, is the highest bidder. The petitioner has no right to seek for grant of license in his favour.

However, by virtue of the interim order dated 21.8.2017 passed by this Court, the auction could not be finalized.

When the matter came up before this Court on 26.4.2018, it was informed to this Court that the shop fetched Rs.15,000/- as license fee. Learned counsel for the petitioner sought time to take instructions whether the petitioner is willing to pay the said amount of Rs.15,000/- or not.

Today, when the matter is taken up for consideration, learned counsel for the petitioner submitted that the petitioner is willing to take the shop for the amount of Rs.15,000/- which it fetched in the public auction. The successful bidder has not come before this Court and by virtue of the interim order, the auction is not yet finalized.

In the circumstances, if the petitioner submits an undertaking to the respondents 3 and 4 within one week from the date of receipt of a copy of this order agreeing to pay the amount of Rs.15,000/- subject to other conditions of the

auction, the case of the petitioner shall be considered by respondents 2 and 3 within a period of one month thereafter.

Writ Petition is, accordingly, disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO,J

Date: 30.4.2018

KPM

