

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20466 of 2018

ORDER:

This writ petition is filed challenging the action of respondents in insisting the petitioner to handover the retail outlet of M/s.Auto Care Centre, Tekke, Nandyal Town, Kurnool District by 18-06-2018 by virtue of a letter dated 01-06-2018 without considering the subsequent letter dated 13-06-2018 in asking the petitioner to extend the bank guarantee till 31-12-2018 for continuation of operatorship.

Learned counsel for the petitioner submits that the 3rd respondent issued letter dated 13-06-2018 to extend the bank guarantee till 31-12-2018 and subsequent to that also the petitioner purchased some stocks from the respondents. Now by virtue of letter dated 01-06-2018 the petitioner was asked to handover the retail outlet to the person, who is selected as service provider for the subject retail outlet. Learned counsel also says that the 2nd respondent himself by asking the petitioner to extend the bank guarantee, now he cannot be asked to vacate the premises.

On the other hand, learned Standing Counsel for the respondent-Corporation submits that the petitioner filed WP.No.17341 of 2005 challenging advertisement for appointment of dealers and the same was dismissed and he also filed one more W.P.No.10638 of 2017 for continuation of dealership and the same was also dismissed. He also submits that though the 3rd respondent issued letter dated 13-06-2018 to extend the bank guarantee, being a sales officer the 3rd respondent is not the

competent authority to extend the agreement in favour of the petitioner and that two writ petitions filed by the petitioner were dismissed. As such the question of continuation of petitioner does not arise.

Admittedly two writ petitions viz., WP No.17341 of 2005 and WP.No.10638 of 2017 were filed for continuation of dealership and the same were dismissed. Admittedly the present retail outlet is being a company outlet, the petitioner has no right to continue the same. Learned Standing Counsel says that the petitioner has been running the outlet from the year 2004 onwards, though the agreement is only for a period of one year. Learned counsel for the petitioner says that some stock is available in the retail outlet and as the petitioner was asked to extend bank guarantee till 31-12-2018, he purchased some stocks.

In view of the same, no relief can be granted to the petitioner. However, since it is stated that some stock is available in the retail outlet, let the respondents permit the petitioner to dispose of the same within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

22-06-2018
Nvl



