

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.29339 of 2018

ORDER:

Heard learned counsel for the petitioner and Sri C.Rajeshwar Reddy, learned Standing Counsel, apart from perusing the material on record.

The order, vide proceedings in Roc.No.Rev.4/8600/AEO (Rev)/Tpt/2017, dated 04.08.2018, passed by the office of the Executive Officer, TTD, Tirupathi, cancelling the licence, granted to the petitioner herein for maintenance of the earmarked parking place at Srinivasam Complex, Tirupathi, is under challenge in the present Writ Petition.

The sum and substance of the case of the petitioner, in the present Writ Petition, is that the respondents, without serving the show cause notice, said to have been given on 05.07.2018, and in contravention of Clause 14 of the Licence Conditions, passed the impugned order, cancelling the licence and the said action, on the part of the respondents, is highly illegal, arbitrary, unreasonable and violative of the principles of natural justice.

It is submitted by the learned counsel for the petitioner that, without properly verifying the ground realities, the respondent authorities have resorted to the impugned action.

Per contra, it is contended by the learned Standing Counsel that, only after serving the show cause notice, dated 05.07.2018, and after giving opportunity to the petitioner, which the petitioner herein

failed to avail, the office of the respondent-institution passed the impugned order of cancellation. It is also the submission of the learned Standing Counsel that, earlier also when the petitioner committed similar irregularities and when notice was issued to the petitioner herein, he tendered apology and, on one occasion, a fine of Rs.24,957/- was also imposed on the petitioner herein and, as there is no change in the attitude of the petitioner herein, the impugned order came to be passed.

During the course of arguments, learned counsel for the respondents has placed before this Court the postal acknowledgment to demonstrate that show cause notice was sent to the petitioner and the same was acknowledged at the correct address on 16.07.2018.

A perusal of the show cause notice and the impugned order discloses that, earlier also, when similar irregularities happened, show cause notices were issued to the petitioner on 24.04.2018 and 02.05.2018.

As observed supra, the show cause notice and the impugned order refer to the imposition of penalty of 10% on the monthly fee i.e. Rs.24,957/- on the petitioner and that warning was also given to him. In these circumstances, this Court is of the considered opinion that the petitioner herein is not entitled for any indulgence of this Court under Article 226 of the Constitution of India.

Accordingly, Writ Petition is dismissed. There shall be no order as to costs.

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

A.V.SESHA SAI, J

24th August, 2018.
Tsy

