

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.35699 OF 2018

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in issuing unilateral ex-parte impugned order No.Plg/16/GGH/2015, dated 10-09-2018 in allotting Generic Medical Retail Outlet, at Government General Hospital, Nizamabad, to 5th respondent without notice/hearing and without calling any application and tender by giving wide publicity nor extending petitioner's Retail outlet till alternative arrangements are made, as illegal and arbitrary.

The case of the petitioner is that he was allotted retail outlet of Generic Medicines at District Hospital, Nizamabad vide proceedings dated 04.05.2012 issued by the 2nd respondent for a period of two years and the same was extended orally from time to time till 2020. But, all of a sudden, the impugned proceedings dated 10.09.2018 were issued by the 3rd respondent which was served on the petitioner on 27.09.2018, asking the petitioner to vacate the subject outlet within 15 days. Aggrieved by the same, present writ petition is filed.

Learned Counsel for the petitioner submits that without conducting any auction or inviting any tenders for granting lease hold rights of the subject outlet, respondents allotted the same to the 5th respondent which is illegal and that no notice is issued to the petitioner. He also submits that still some

medicines are left over for sale in the outlet; and that unless the petitioner is permitted to sale out the said medicines he will suffer irreparable loss.

On the other hand learned Government Pleader for Medical and Health submits that when a policy decision was taken to allot the subject out let to the 5th respondent which is a Government of India Enterprise, the respondents did not extend the licence of the petitioner. More so, the term of license of petitioner was also expired by 2014 itself, as such, he has no legal right to continue. He also produced copies of the proceedings dated 09.01.2015 issued by the Principal Secretary to Government.

In this case it is to be seen that the petitioner was allotted the subject premises in the year 2012 to run the Generic Medical Retail Outlet, for a period of two years and the said period was expired by 2014. But, the petitioner is continuing the outlet till date. Proceedings dated 09.01.2015 vide Memo No.5102/C2/2014 and other proceedings produced by the learned Government Pleader goes to show that the respondents have taken a decision to allot the said outlet to the 5th respondent which is a Government of India Enterprise.

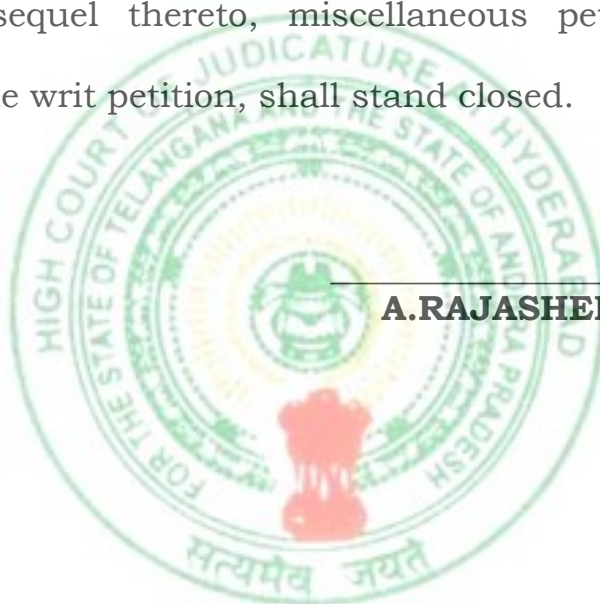
But, the document produced by the learned counsel for the petitioner obtained from the website goes to show that the 5th respondent is not a Government of India enterprise.

As petitioner's lease period is completed by 2014, he has no legal right to continue. But, since it is stated by the learned counsel for the petitioner that still some medicines are left over for sale in the subject outlet, three months time from today, is granted to the petitioner for vacating the premises in order to dispose of the left over medicines in the shop.

With the above direction, the writ petition is disposed of.
No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

12-10-2018.
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A.RAJASHEKER REDDY, J