

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26607 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“.....to issue a Writ Order or Direction or more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondent Nos.2 to 5 for grant of remission or waive of Lease fee in case of ongoing strike from 04/10/2019 to till date in respect of the stalls operated by the Petitioners in the Mahatma Gandhi Bus Station, Gowliguda, Hyderabad, and Jubilee Bus Station, Kharkana, Secunderabad, as illegal, arbitrary, unjust, unfair, unreasonable, highhanded action in equity, violative of Articles 14, 19, 21 and 300A of the Constitution of India and also in violation of Principles of Natural Justice and consequently direct the respondents to grant remission or waiver of license fee to the Petitioners in respect of the shops for which license has been granted by the respondents.”

It is the case of petitioners that they are running stalls in Mahatma Gandhi Bus Station, Gowliguda, Hyderabad, and Jubilee Bus Station, Kharkana, Secunderabad, having granted licenses by the second respondent – Telangana State Road Transport Corporation (TSRTC), rep. by its Chairman & Managing Director, Hyderabad, for selling merchandise to the passengers. It is their further case that on account of the strike of the employees of TSRTC, they sustained huge loss, as, virtually, there was no business carried out by them, and they seek

remission/waiver of license fee. It is also their case that they submitted a detailed representation to the respondents on 14.10.2019 for remission/waiver of monthly license fee payable for the period from 05.10.2019 till the date of calling off the strike. It is their grievance that so far, the respondent authorities are not passing any order on the aforesaid representation.

Learned Standing Counsel for TSRTC appearing for respondents 1 to 4 by placing reliance on the common order dated 09.04.2018 passed by this Court in Writ Petition No. 31454 of 2011 and batch would assert that Clause 43 of the deed of license does not confer any right on the petitioners to seek remission/waiver of license fee. He would further assert that as it is the business risk, which the petitioners ought to have envisaged, and as the petitioners signed on the deed of license entered by them with TSRTC, no writ can be issued. He would also assert that in some of the deeds of license, there is Clause 43 considered by this Court, whereas, it is Clause 42 in some of the deeds of license.

It may be noted that Clause 42/43 of the deed of licence is in *pari materia* with the circumstances, under which, the petitioners are prepared to take the risk of undergoing loss in their businesses. It may also be noted that as per Clause 44 of the

deed of license, in case of any dispute or difference arising on the terms and conditions of the tender/agreement, the decision is to be taken by the Managing Director of TSRTC and it is final and binding on both the parties.

In those circumstances, this Writ Petition is disposed of with the direction to the second respondent to consider the representation stated to have been submitted by the petitioners and take a decision thereon and communicate the same to the petitioners. This entire exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

2nd DECEMBER, 2019.

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