

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26984 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“.....to issue an appropriate Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 5th respondent in collecting/demanding the rents from the petitioners for the periods October and November 2019 during the period of Total Strike by the TSRTC Employees and Supervisors is illegal arbitrary and violation of Principles of Natural Justice as there was no business in our stalls/shops during the period of strike in view of the non-operation of buses and non-movement of passengers in the Bus Stations and consequently direct the respondents not to insist for the payment of License fee from the stall owners for the above strike period.”

It is the case of petitioners that they are running stalls in Mahabubnagar Bus Station having granted licenses by the fourth respondent – Telangana State Road Transport Corporation (TSRTC), rep. by its Divisional Manager, Mahabubnagar, 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 for October and November, 2019. It is also their case that they submitted representations to the respondents on 03.12.2019 for remission/waiver of license fee payable therefor. It is their

grievance that so far, the respondent authorities are not passing any order on the aforesaid representations.

Learned Standing Counsel for TSRTC appearing for the respondents 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 47 of the deed of license, in case of any dispute or difference arising on the terms and conditions of the tender, 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 respondents to consider the representations 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.

5th DECEMBER, 2019.

CHALLA KODANDA RAM, J

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