

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4295 of 2020

ORDER

This writ petition is filed seeking the following relief:

“to issue any appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd respondents in reducing the parking space from 4000 sft to 1940 sft contrary to the Tender Notice No.C1/122(16)/2017-RM:NZB, dated 22.05.2017 and Deed of Licence, dated 10.07.2017 as illegal, null, void, arbitrary and consequentially direct the 2nd and 3rd respondents to fix the parking rent per month basing on the area now allotted to the petitioner at Nizamabad bus station and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel on either side.

It is the case of the petitioner that he had participated in the tender process for lease of parking area and stood as highest bidder. Though in the tender notice, the parking area was shown as 4000 square feet, subsequently, it was reduced to 3455 square feet and finally, reduced to 1940 square feet. Originally, the lease agreement is for a period of five years. In the 3rd year, without any notice, the respondents are trying to reduce the parking area and also insisting the petitioner to pay the amount for entire 4000 square feet, without taking into consideration the fact that 4000 square feet area was reduced to 1940 square feet. Since the respondents are not accepting the lease amount for the third year,

the petitioner submitted a representation to the respondents. But, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner and pass appropriate orders, in accordance with law.

Learned Standing Counsel appearing for the respondents contended that if the petitioner submits a representation afresh, the respondents would consider the same and pass appropriate orders thereon.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this writ petition can be disposed of directing the petitioner to submit a representation afresh within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the respondents shall consider the same and pass appropriate orders within a period of eight weeks thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 27.02.2020
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