THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.16253 of 2022

ORDER:

Heard Ms. Vladmeer Khatoon, the learned counsel appearing for the petitioner, and Sri N. Praveen Reddy, the learned Standing Counsel for TSRTC appearing for the respondents. With their consent, the Writ Petition is taken up for disposal at the stage of admission itself.

This writ petition is filed seeking a writ of *mandamus* declaring the action of the respondent No.4 in issuing the termination order *vide* Lr.No.C1/122(67)/12-RM:NZB, dated 15.03.2022, as illegal and arbitrary.

It is the case of the petitioner that the respondent Corporation has published a Notification *vide* No.C1/122(52)/2012-RM:NZB dated 01.08.2012 in the news papers inviting tenders for licensing out the stall/space for doing canteen business in Nizamabad Bus Station for a initial period of seven years, which can be extended by another period of three years on satisfactory performance. The petitioner has participated in the said tender and became successful tenderer by offering Rs.28,555/- per month. The petitioner has entered into a deed of licence dated 06.12.2012 with the respondent Corporation for running the business of canteen in Stall No.37

at Nizamabad Bus Station for a period of seven years and extendable for another three years (i.e., total period of 10 years from 21.10.2012 to 20.10.2022 on a monthly licence fee of Rs.38,500/- for initial three years and with an enhancement of 15% in the 4th and 5th years (block) and 20% in 6th and 7th years (block) over the previous year licence fee, and with further enhancement of 25% over the 7th year licence fee for the next three years block period i.e., 8th, 9th and 10th years subject to satisfactory performance. While so, the respondent Corporation has issued show cause notice dated 10.02.2022 to the petitioner on the ground that he has violated Clause 5(b), Clause (c)(i) to (iii), (j) & (k) of the deed of licence. The petitioner has given an explanation to the said show cause notice on 26.02.2022. But, the respondent No.4, without considering his explanation, has passed the impugned order terminating his licence. Hence, this writ petition.

Learned counsel for the petitioner has stated that due to the Covid-19 pandemic situation and the subsequent lockdown imposed in the State, the petitioner has suffered huge loss in the business. The learned counsel has further stated that though the petitioner has submitted an explanation to the show cause notice, the respondent No.4 has passed the impugned

termination order without considering the said explanation in proper perspective, and therefore, he prayed to set aside the impugned termination order.

After hearing both the counsel, at length, this Court, on 08.04.2022, has directed the concerned Depot Manager to inspect the subject premises and file a report.

Pursuant to the said order, dated 08.04.2022, the Depot Manager, Nizamabad-I, has inspected the subject premises and filed his Report dated 12.04.2022.

A perusal of the Report dated 12.04.2022 and the photographs annexed thereto show that, as on the date of inspection, the petitioner is not maintaining the canteen in a proper, clean and hygienic manner. The Report further reveals that the entire canteen is full of dirt, appears to be not cleaned since long time. The windows are in broken condition and the corners of the main hall of the canteen are emitting foul smell and the walls are also not properly painted. The photographs filed by the Depot Manager also reveal the very same pathetic condition of the subject premises.

At this stage, the learned counsel has stated that due to closure of the premises due to Covid-19 pandemic, the premises could not be cleaned periodically and therefore remained unkept

and dirty. Learned counsel has further stated that after the inspection of the premises on 12.04.2022 by the Depot Manager, the petitioner has cleaned the premises in question and the entire premises were painted. That the entire premises were repaired, drainage works done and are in an immaculate condition. The learned counsel has also produced the photographs to show the works and repairs done.

Having regard to the above and the fact that the premises were repaired and freshly painted, as evidenced by the photographs produced, and that petitioner is in a position to run the canteen, this Court is of the opinion that the ends of justice would be met if the respondent No.6 - Depot Manager is directed to verify as to whether the statement made by the petitioner is true and correct and whether the premises are maintained in a clean and hygiene manner.

Accordingly, the writ petition is disposed of directing the respondent No.6-Depot Manager to inspect the subject premises within a period of two weeks from the date of receipt of a copy of this order, and pass necessary orders afresh on merits, without reference to the impugned termination order, as expeditiously as possible, preferably, within a period of two weeks thereof. It is

needless to mention that the petitioner shall be given prior notice about the date of inspection of the premises in question.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

A.ABHISHEK REDDY, J

Date : 19-05-2022
va/sur

Issue C.C. in two days.