

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 35176 OF 2023

Between:

Sri.Annedi Srikanth Reddy, S/o.Venkat Reddy , Aged about 45 yrs, H.No.1-2-147,
Hanuman Street, Peddapalli District -505172.

...PETITIONER

AND

1. The State of Telangana, Rep. by Principal Secretary, Transport Department, Secretariat, Hyderabad Telangana State-500020.
2. Telangana State Road Transport Corporation, Rep by its Chairman, Bus Bhavan, Musheerabad, Hyderabad, Telangana State-500020.
3. Telangana State Road Transport Corporation, Rep by its Vice Chairman and Managing Director, Bus Bhavan, Musheerabad, Hyderabad, Telangana State-500020.
4. Executive Director, (REV. and IT) and Secretary to Corporation, Bus Bhavan, OPD (Mktg. and Corn) wing, Musheerabad, Hyderabad, Telangana State-500020.
5. The Divisional Manager, TSRTC, Karimnagar Division, Karimnagar District Telangana State-505001.
6. The Deputy Regional Manager, TSRTC Karimnagar Region Karimnagar District, Telangana State-505001.
7. The Depot Manager, TSRTC Karimnagar Bus Station Karimnagar District, Telangana State- 505001.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in nature of writ of Mandamus declaring the action of the Respondents No.6 issued Final Order for TerminationNo.E5/122(61)/2023.RM.KR, dated.2212.2023 in respect of Stall

No.13 as illegal arbitrary, apart from being in violation of principles of natural justice and also violative of Articles 14, 19(1)(g), 21 of the Constitution of India and consequently consider the Representation dated. 27.12.2023.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents permit the petitioner to pay the License dues an amount of Rs.11,30,000/- in Six weeks.

IA NO: 3 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant interim suspension of Final Order for Termination No.E5/ 122(61)/2023 .RM.KR, dated.22.12.2023 in respect of Stall No.13.

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to re-open the stall No.13.

Counsel for the Petitioner : Miss.VLADIMEER KHATOON

Counsel for the Respondent No.1 : GP FOR TRANSPORT

Counsel for the Respondent No.2to7 : SRI GADDAM SRINIVAS, SC FOR TSRTC

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No.35176 of 2023

ORDER:

The petitioner approached this Court seeking the prayer as under:

"to issue a writ, order or direction more particularly one in nature of writ of Mandamus declaring the action of the Respondents No.6 issued Final Order for Termination No.E5/122(61)/2023:RM:KR, dated 22.12.2023 in respect of Stall No.13 as illegal, arbitrary apart from being in violation of principles of natural justice and also violative of Articles 14, 19(1)g, 21 of the Constitution of India and consequently consider the Representation dated 27.12.2023 pending disposal of the Writ Petition and pass such other orders."

2. The respondent-Corporation had issued e-tender notification *vide* No.E5/437(2)/2021-RM: KRMR, dated 04.08.2021 inviting tenders for licensing out Pucca Shop bearing No.13 admeasuring 1,344 square feet for doing Fast Food Business in Karimnagar Bus Station for a period of five years and the petitioner had participated in the said tenders and he became successful tenderer and the 5th respondent

had accepted the offer and communicated its acceptance *vide* letter No.E5/122 (61)/2021-RM:KR, dated 29.12.2021. The petitioner having received the acceptance, agreed to take up the license for running business Fast Food Business in Shop No.13, pucca 1,344 Sq.ft in Karimnagar Bus Station on payment of license fee of Rs.3,15,000/- per month to the Respondent-Corporation for a period of five years. As per the terms and conditions of Deed of License, dated 31.05.2022, the total period of license is for five(5) years with monthly license fee of Rs.3,15,000/- for first two years, exclusive of electricity, water, maintenance charges, GST etc., shall be paid in advance on or before 10th day of current month. It is submitted that the license fee shall be enhanced by 5%, 10% and 15% in 3rd, 4th and 5th year respectively. The license fee payable by the petitioner for 5 years is as under:

i. Rs.3,15,000/- per month from 01.03.2022 to 28.02.2024.

ii. Rs.3,30,750/- per month from 01.03.2024 to 28.02.2025.

iii. Rs.3,63,825/- per month from 01.03.2025 to 28.02.2026.

iv. Rs.4,18,399/- per month from 01.03.2026 to 28.02.2027.

3. It is submitted that the petitioner paid an amount of Rs.2,30,000/- on 09.10.2023 and Rs.4,00,000/- on 16.10.2023 and also paid an amount of Rs.40,000/- in total, he has paid an amount of Rs.6,70,000/- and immediately he made a representation to respondent No.6 that he will pay remaining amount before 10.11.2023. It is further submitted that the petitioner again paid an amount of Rs.3,00,000/- on 10.11.2023, in total he has paid an amount of Rs.9,70,000/- but respondent No.6 without deducting or mentioning in the show cause notice dated 08.11.2023/13.11.2023 that he was due from August, 2023 to November,2023 (04 months). It is further submitted that respondent No.6 without considering the representation, dated 13.11.2023 directly issued the final order for termination of license on 27.12.2023 and the same was received on the same day. It is further submitted that the petitioner has given another representation, dated 27.12.2023

requesting that due to ill health, the delay was happened and he will pay the balance amount by 31.01.2024 but the said representation was not considered by the 6th respondent.

4. Heard learned counsel for the petitioner as well as respondents herein. With their consent, since the petitioner is stated to have submitted representation latest on 27.12.2023 undertaking to pay the balance amount by 31.01.2024, the Writ Petition is disposed of at the admission stage directing the respondents to re-open the Shop No.13 and not to initiate any coercive steps against the petitioner. The petitioner shall pay the balance amount towards license fee dues. In default, the respondent-Corporation shall initiate action, in accordance with law. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

SD/- V. HARI PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Transport Department, Secretariat, Hyderabad, State of Telangana, Telangana State-500020.
2. The Chairman, Bus Bhavan, Musheerabad, Telangana State Road Transport Corporation, Hyderabad, Telangana State-500020.
3. The Vice Chairman and Managing Director, Telangana State Road Transport Corporation, Bus Bhavan, Musheerabad, Hyderabad, Telangana State-500020.

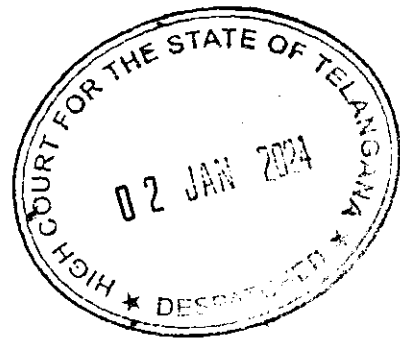
4. The Executive Director, (REV. and IT) and Secretary to Corporation, Bus Bhavan, OPD (Mktg. and Corn) wing, Musheerabad, Hyderabad, Telangana State-500020.
5. The Divisional Manager, TSRTC, Karimnagar Division. Karimnagar District Telangana State-505001.
6. The Deputy Regional Manager, TSRTC Karimnagar Region Karimnagar District, Telangana State-505001.
7. The Depot Manager, TSRTC Karimnagar Bus Station Karimnagar District, Telangana State- 505001.
8. One CC to Miss.VLADIMEER KHATOON, Advocate. [OPUC]
9. Two CCs to GP FOR TRANSPORT, High Court for the State of Telangana at Hyderabad. [OUT]
10. One CC to SRI GADDAM SRINIVAS, SC for Telangana State Road Transport Corporation, Advocate. [OPUC]
11. Two CD Copies.
BSK



HIGH COURT

DATED: 29/12/2023

CC TODAY



ORDER

WP.No.35176 of 2023

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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[Signature]
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02/1/2024