

**/HIGH COURT FOR THE STATE OF TELANGANA: AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 16675 OF 2022

Between:

V.Thirupathi, S/o. Laxmi Narayana, Aged about 47 years H.No.2-10-495,
Jyothi Nagar, Karimnagar District

...PETITIONER(S)

AND

1. State of Telangana, Rep. by its Principal Secretary Transport Department, Secretariat, Hyderabad.
2. The Telangana State Road Transport Corporation, Rep., by its Vice-Chairman and Managing Director Bus Bhavan, Hyderabad.
3. The Regional Manager, Telangana State Road Transport Corporation Karimnagar, Karimnagar District
4. The Divisional Manager, Telangana State Road Transport Corporation Karimnagar, Karimnagar District
5. The Depot Manager, Mahabubnagar Telangana State Road Transport Corporation t Karimnagar, Karimnagar District

...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 an appropriate Writ, order or direction more particularly one in the nature of may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 4th respondent Letter No.E5/122(91)/2020-RM-KR, dt19-03-2022 in so far as conditions imposed at Clause(1) (2) (3) of the impugned order dt.19-03-2022 as illegal, null, void and arbitrary and consequently direct the respondents to permit the petitioner to run his stall No.104 without insisting for the license fee for the closure period.

IA NO: 1 OF 2022

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 suspend the impugned letter No.E5/122(91)/2020- RM-KR dt 19-03-2022 in so far as conditions imposed at Clause (1) (2) (3) of the impugned order dt 19-03-2022 as illegal, null, void and arbitrary.

Counsel for the Petitioner: SRI K.DURGA PRASAD

Counsel for the Respondent No.1: GP FOR TRANSPORT

Counsel for the Respondent Nos.2 to 5: SRI A.RAVI BABU, SC for TSRTC

The Court at the stage of admission made the following: ORDER

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION No.16675 of 2022

ORDER:

Heard learned counsel appearing on behalf of petitioner and learned Government Pleader for Transport appearing on behalf of respondent No.1 and learned Standing Counsel for TSRTC appearing on behalf of respondent Nos.2 to 5. With their consent, this Writ Petition is being disposed of at the admission itself.

Questioning the conditions mentioned in Clauses (i) to (iii) of the order passed by the respondent No.4 – Divisional Manager, Telangana State Road Transport Corporation, Karimnagar, dated 19.03.2022, the petitioner has filed the present Writ Petition.

Learned counsel for the petitioner has stated that prior to the issuance of the impugned order dated 19.03.2022, possession of the subject premises was taken over by the official respondents, therefore, the decision taken by the

official respondents imposing a condition on the petitioner to deposit the license fee for the period, for which, the premises was not being run is arbitrary, illegal, bad and therefore, prayed this Court to set aside the impugned order dated 19.03.2022. The learned counsel has further stated that the petitioner is willing to abide by the other conditions and prayed this Court to allow the Writ Petition by setting aside the above condition of paying the license fee for the period, for which, the premises was not being operated and is in possession of the official respondents.

Learned Standing Counsel has stated that the present Writ Petition is not maintainable. The learned Standing Counsel has further stated that as there were violations committed by the petitioner, the authority concerned had terminated the license of the petitioner, but, subsequently, on the application given by the petitioner, the present impugned order was passed. That by way of concession, the impugned order of revocation was passed and the same is subject to the

impugned order dated 19.03.2022 was passed. This Court is of the opinion that the imposition of the above condition by the respondent No.4 on the petitioner to deposit the entire license fee from 19.01.2022 till the opening of the shop, is onerous and harsh, more so, when the said shop was in possession of the Corporation.

Having regard to the fact that the petitioner was not conducting any business nor was he in possession of the subject premises, this Court is of the opinion that ends of justice would be met, if the petitioner is directed to pay consolidated amount of Rs.1,00,000/- (Rupees One Lakh only) towards license fee, within a period of two (2) weeks from the date of receipt of a copy of this order, instead of directing the petitioner to pay the license fee from 19.01.2022 till commencement of the business. On such payment, the petitioner shall be allowed to continue to do his business as per the terms and conditions of the license agreement. The

petitioner accepting the terms and conditions of the said offer being made. If the petitioner does not want to accept the said condition, he is free to reject the same and there is no compulsion from the Corporation.

A perusal of the impugned order dated 19.03.2022 shows that the petitioner has been directed to deposit the entire license fee for the period from 19.01.2022 till the date of commencing the business again by the petitioner. Further, the impugned order dated 19.03.2022 is passed pursuant to the application made by the petitioner seeking to revoke the termination order. One of the conditions imposed is that the petitioner should deposit the entire license fee for the period from 19.01.2022 till the date of commencement of the business. Admittedly, during the said period, the petitioner was not in possession of the subject premises nor was he conducting any business from the subject premises. After the termination of the license vide the order dated 19.01.2022, the petitioner has submitted the application, based on which, the

petitioner shall abide by the other conditions imposed by the respondent No.4 in the impugned order dated 19.03.2022.

With the above, this Writ Petition is disposed of.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-G.SIREESHA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Transport Department, State of Telangana, Secretariat, Hyderabad.
2. The Vice-Chairman and Managing Director, Telangana State Road Transport Corporation, Bus Bhavan, Hyderabad.
3. The Regional Manager, Telangana State Road Transport Corporation Karimnagar, Karimnagar District
4. The Divisional Manager, Telangana State Road Transport Corporation Karimnagar, Karimnagar District
5. The Depot Manager, Mahabubnagar Telangana State Road Transport Corporation, Karimnagar, Karimnagar District
6. One CC to SRI K. DURGA PRASAD, Advocate [OPUC]
7. One CC to SRI A.RAVI BABU, SC for TSRTC [OPUC]
8. Two CCs to the GP for Transport, High Court for the State of Telangana. [OUT]
9. Two C.D. Copies.
10. One Spare Copy.

MRC
SB

CM

HIGH COURT

DATED:19/04/2022



ORDER

WP.No.16675 of 2022

**DISPOSING OF THE WRIT PETITION
AT THE STAGE OF ADMISSION
WITHOUT COSTS**

[Handwritten signature]
10/5/2022