

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY TWO

:PRESENT:
THE HONOURABLE SRI JUSTICE **A.ABHISHEK REDDY**

WRIT PETITION NO: 4131 OF 2022

Between:

1. Mohameed Abdul Azeem, S/o. Mohd Abdul Jameel
2. Y.Harender Reddy, S/o. Yella Swamy Reddy.
3. Kum.Firdouse, D/o. Jameel.
4. V.Thirupathi, S/o. Laxmi Narayana

Petitioners

AND

1. The State of Telangana, Rep, by its Principal Secretary, Transport Department, Secretariat, Hyderabad. Telangana State.
2. Telangana State Road Transport Corporation, Rep by its Chairman, Bus Bhavan, Musheerabad, Hyderabad.
3. Telangana State Road Transport Corporation, Rep by its Vice Chairman, Bus Bhavan, Musheerabad, Hyderabad.
4. Telangana State Road Transport Corporation, Rep by its Managing Director, Bus Bhavan, Musheerabad, Hyderabad.
5. Executive Director (REV. & IT) and Secretary to Corporation, Bus Bhavan, OPD (Mktg. and Corn)wing, Musheerabad, Hyderabad.
6. The Divisional Manager, TSRTC, Karimnagar Division, Karimnagar District, Telangana State.
7. The Regional Manager, TSRTC, Karimnagar Region, Karimnagar District, Telangana State-505 001.
8. The Depot Manager, TSRTC, Karimnagar Bus Station, Karimnagar District, Telangana State-505 001.

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 the nature of writ of mandamus declaring the action of the 4th Respondent vide its proceedings dated 04-09-2021 refusing to grant permission of license fees for the period affected by the 2nd Wave of the pandemic and refusing to waive off the license fees for the 2nd lock down period for the months of April, 2021 to June, 2021 and declaring the action of the 7th Respondent issued the show cause notice dated.08-12- 2021 issued to the petitioners purporting to be the termination of licenses and demanding the petitioners to pay the full amount of license fees for the affected by the 2nd Wave of the pandemic and the action of the 7th Respondent and his subordinates in imposing heavy penalty and interest, disconnecting the power and water supply of the petitioners is highly, unwarranted, highly arbitrary, unfair, unjust, irrational, unlawful and violative of Articles 14 and 21 of the Constitution of India and consequently direct the Respondents to waive off the 2nd lockdown period for the months of April, 2021 to June, 2021 and grant remission of license fees for the remaining months of the Covid affected period, proportionate to the decline in the revenue of the Corporation.

IA NO: 1 OF 2022:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the Show Cause notices dated.08-12-2021 issued by the Respondents No.7, pending disposal of WP.No. 4131 of 2022 on the file of the High Court.

The Petition coming on for hearing upon perusing the petition and affidavit filed herein and upon hearing the arguments of M/s. Vladimeer Khatoon, Advocate for the Petitioners, G.P. for Transport for the Respondent No.1 and of Sri A.Ravi Babu – S.C. for the Respondents 2 to 8, the Court made the following

ORDER:

“ The subject matter of the present Writ Petition pertains to the termination of the licenses for not paying the monthly license fee for the period from August, 2021, to November, 2021 (4 months only).

Learned Standing Counsel appearing for respondent Nos.2 to 8 has stated that the petitioners are challenging the period during which there was no lockdown. Therefore, the present Writ Petition itself is not maintainable. He has stated, on instructions, that pursuant to the interim orders of this Court in earlier round of litigation, petitioner Nos.1 and 2 have paid 30% of the license fee for the period from February, 2021 to July, 2021; petitioner No.3 from March, 2021 to July, 2021 and petitioner No.4 from May, 2021 to July, 2021, and that petitioner Nos.1 to 3 have paid the entire license fee for the months of August, 2021, and September, 2021, whereas, petitioner No.4 has paid the license fee for the months from August, 2021, to November, 2021.

Having regard to the above, there shall be interim suspension of the operation of the impugned notices subject to petitioner Nos.1 to 3 paying 50% of the license fee due for the months of October and November, 2021, within a period of four (4) weeks. As it is stated that petitioner No.4 has paid the entire license fee for the four months indicated in the notice, the respondent Corporation will not take coercive steps insofar as Shop No.101 is concerned. It is made clear that the petitioners shall continue to pay the monthly license fee as per the terms of the Agreement.

Post on 30.03.2022.”

SD/- R. KARTHIKEYAN
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Transport Department, State of Telangana, Secretariat, Hyderabad. Telangana State.
2. The Chairman, Telangana State Road Transport Corporation, Bus Bhavan, Musheerabad, Hyderabad.
3. The Vice Chairman, Telangana State Road Transport Corporation, Bus Bhavan, Musheerabad, Hyderabad.
4. The Managing Director, Telangana State Road Transport Corporation, Bus Bhavan, Musheerabad, Hyderabad.
5. The Executive Director (REV. & IT) and Secretary to Corporation, Bus Bhavan, OPD (Mktg. and Corn)wing, Musheerabad, Hyderabad.
6. The Divisional Manager, TSRTC, Karimnagar Division, Karimnagar District, Telangana State.
7. The Regional Manager, TSRTC, Karimnagar Region, Karimnagar District, Telangana State-505 001.
8. The Depot Manager, TSRTC, Karimnagar Bus Station, Karimnagar District, Telangana State-505 001.
(1 to 8 by RPAD)
9. Two CCs to G.P. for Transport, High Court at Hyd(OUT)
10. One CC to M/s. Vladimeer Khatoon, Advocate(OPUC)
11. One spare copy.

SAH

HIGH COURT

AARJ

DATED: 31-01-2022

NOTE: POST ON 30-03-2022

ORDER

WP.NO. 4131 OF 2022

INTERIM SUSPENSION

