
(2012) 09 AP CK 0074

In the Andhra Pradesh High Court

Case No : Writ Petition No. 17088 of 2012

K. Ganesh

APPELLANT

Vs

Regional Manager, APSRTC and Others

RESPONDENT

Date of Decision : 26-09-2012

Acts Referred:

Citation : (2013) 1 ALD 121 : (2013) 2 ALT 34

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : K. Lakshmaiah for V. Brahmaiah Chowdary, for the Appellant;
Kallakuri Srinivasa Rao, Counsel for the Respondent Nos. 1 to 3, M. Venkat Ram Reddy, Counsel for the Respondent No. 4, for the Respondent

Final Decision : Dismissed

Judgement

C.V. Nagarjuna Reddy, J.—This writ petition is filed for a mandamus to set-aside Proceedings No. O1/122(11)/2004-RM:KMM, dated 23.2.2012 of respondent No. 1, whereby he has permitted respondent No. 4 to change the line of business from Fruit Juice and Fast Food to "Medical Shop and Juice Point". The petitioner was granted licence for running two stalls in the A.P. State Road Transport Corporation (for short "the Corporation") Bus Stand, Khammam. Stall No. 7 was given to him for running business in Books, Stationery and Pan Shop and Stall No. 8 for Medical, Fancy and Ayurvedic business. On 6.9.2005, respondent No. 4 was granted licence in respect of Stall No. 6 for running Fruit Juice and Fast Food business. However, on his application, respondent No. 3 has permitted respondent No. 4 to change the line of business to "Medical Shop and Juice Point". Feeling aggrieved by the said decision, the petitioner filed this writ petition.

2. Separate counter-affidavits have been filed by respondent Nos. 3 and 4 respectively.

3. At the hearing, the learned Counsel for the petitioner submitted that by the

impugned decision of respondent No. 3, the petitioner's business is seriously affected.

4. In the counter-affidavit filed by respondent No. 3, he has inter alia stated that the petitioner cannot claim monopoly in the line of business for which he was granted licence. He has relied upon Clause 28 of the Licence Conditions contained in the Deeds of Licence dated 8.10.2005 granted in favour of the petitioner.

The above mentioned clause reads as under:

The Corporation has the right to allot shops/ stalls for similar business under this scheme on "NON-EXCLUSIVE BASIS" in a particular bus station.

5. In my opinion, in the absence of any clause in the Deed of Licence executed in favour of the petitioner which entitles him to run the business exclusively for which he is granted licence, he cannot prevent the Corporation from granting licence to others in respect of the same line of business. Far from the Deed of Licence conferring any such right on the petitioner, clause 28 reproduced above specifically enabled the Corporation to allot shops/stalls for running similar business to others on non-exclusive basis. The plea of the petitioner is in the teeth of this clause and is hence unsustainable.

6. For the above mentioned reasons, the writ petition fails and the same is accordingly dismissed. As a sequel, WPMP No. 21916 of 2012 is disposed of as infructuous.