
(2014) 12 KAR CK 0273

Karnataka High Court

Case No: Writ Petition No. 60253 of 2014 (GM-PP)

Sri Krishna Weigh
Bridge

APPELLANT

Vs

The Competent
Authority and The
Secretary, Agriculture
Produce Market
Committee and Others

RESPONDENT

Date of Decision: Dec. 23, 2014

Citation: (2015) 2 KarLJ 243

Hon'ble Judges: L. Narayana Swamy, J

Bench: Single Bench

Advocate: Bhat Ramachandra Ganapathi, Advocates for the Appellant; Mallikarjun C.
Basareddy, Advocates for the Respondent

Judgement

@JUDGMENTTAG-ORDER

L. Narayana Swamy, J.

The 1st respondent passed an order dated 13-11-2014 granting 45 days time to vacate the premises and the said order has been challenged by the petitioner before the District Judge which is pending in M.A. No. 37 of 2014. The interim order sought for by the petitioner has not been considered. Hence, this writ petition is filed. The grounds urged by the petitioner is that the 1st respondent has violated Clause 10 of the Agreement as per Annexure-A - Agreement of Leave and License for weigh bridge issued under Rule 16(2) and the second ground urged is that as per Rule 5 of the Allotment Rules, the evidence has not been recorded and the procedure as it is required has not been followed.

2. As per Rule 10 of the Agreement of Leave and License-Annexure-A the petitioner should have been given 15 days notice, but the same has not been given by the respondents and further it is submitted that in view of Annexure-A license, he had

invested huge amount by borrowing loan. Unless it is repaid he is not in a position to vacate the premises.

3. Learned Counsel for the respondents-Cavettos submits that under the Rules, mainly Karnataka Public Premises (Eviction of Unauthorized Occupants) Act, 1974, a tender notification has been issued calling for application to lease the premises which is in possession of the petitioner and the said tender notification was challenged before this Court in W.P. No. 47229 of 2013 and this Court by its order dated 29th October, 2013 rejected the same on the ground that under the Rules, the Committee has got power only to renew the license for a period of 55 months, thereafter, it is not for the Authority to renew. Eleven months license was granted to the petitioner in the year January 2005 and 55 months has been expired and tender notification has been issued and as per the terms allotment has been given to different persons, who had preferred W.P. No. 31407 of 2014 and this Court by order dated 22-9-2014 issued a mandamus to the respondents to execute lease in their favour. Under these circumstances, the case of the petitioner is to be rejected.

4. I have gone through the materials available on record. The proceeding has been initiated under the Public Premises Act. As it is submitted by the petitioner himself, the impugned order-Annexure-E4 has been challenged before the District Judge, which is pending adjudication. Hence, it is the case for the petitioner to stay eviction during pendency of appeal. Secondly, as per the license issued-Annexure-A, the period was granted for 11 months and time to time it was renewed. The Committee under the Act was disentitled to consider the case of petitioner for renewal since 55 months maximum period has been extended to the petitioner.

5. Under these circumstances and also for the reasons that granting permission for renewal of license and a maximum period of 55 months was the subject-matter in W.P. No. 47229 of 2013 where this Court has gone into the matter in detail and passed an order dismissing the writ petition, there is no scope for reconsideration of the same in this writ petition. Under these circumstances, I don't find any grounds to interfere with the impugned order. Accordingly, this writ petition is dismissed.