

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE G.ROHINI

WRIT APPEAL No.1879 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04-11-2004 in W.P.No.20294 OF 2004 on the file of the High Court.)

Between:

D. Anand, S/o. D. Sridhar,
2-28/1/A, Street No. 4, Habsiguda, Hyderabad.

..... APPELLANT

AND

- 1.The Airport Authority of India, Rajiv Gandhi Bhavan,
New Delhi - 110 003, rep. by its Chairman.
- 2.The Airport Director, The Airport Authority of India,
Hyderabad Airport, Begumpet, Hyderabad.
- 3.Mrs. Rama Devi, W/o. not known, A/a not known,
C/o. Flowers n Flowers, Hyderabad Airport,
Begumpet, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr.P.BALAJI VARMA

Counsel for Respondent Nos.1 & 2: M/s. C.KODANDA RAM

Counsel for Respondent No.3 : None appeared.

The Court at the admission stage made the following :

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

The writ petition was dismissed by the learned single judge without obtaining on record at least the counter affidavit of respondents 1 and 2.

The petitioner-appellant had, in fact, questioned the action of the respondents in permitting third respondent to set up a flower-stall on footpath on the outside corner of NTR Terminal, beside Rajiv Gandhi Terminal, Hyderabad Airport in violation of the tender conditions, as arbitrary and discriminatory. One of the grounds of challenge was that tender conditions were violated or deviated, and had the place, allotted to third respondent, been incorporated in the tender notice, there would have been participation by number of other tenderers including the writ petitioner.

In view of the serious nature of the allegations made in the writ petition, we are of the view that it was not proper for the learned single Judge to dismiss the writ petition in *limine*, but he would have called upon the respondents to file reply and then decide it on merits.

Accordingly, the writ appeal is allowed and the impugned order is set aside. Learned single Judge will now decide the writ petition in accordance with law. The writ petition be posted for hearing before the appropriate Bench on 6th December 2004.

(DEVINDER GUPTA, C.J.)

30th November 2004.

(G.ROHINI, J.)

ARS

To

- 1.The Chairman, Airport Authority of India, Rajiv Gandhi Bhavan,
New Delhi - 110 003.
- 2.The Airport Director, The Airport Authority of India,
Hyderabad Airport, Begumpet, Hyderabad.
3. Two CD copies.