

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.32190 of 2012

Date: 04-11-2015

Between:

Vijayawada Retail Fire Works Dealers Association,

Represented by its President, Vijayawada

.... Petitioner

AND

The Government of Andhra Pradesh, represented

by its Principal Secretary, Municipal Administration

Hyderabad and 2 others

.... Respondents

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.32190 of 2012

ORDER:

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The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 2nd respondent in passing the order vide proceedings D.Dis.E2.3260/2012, dated 08-10-2012 without considering the representation of the petitioner Association dated 08-08-2012 as arbitrary and illegal and consequently to direct the respondents to consider the representation of the petitioner dated 08-08-2012.

The facts leading to filing of the writ petition are that the petitioner is one of the registered Retail Fire Works Dealers Association having its members operating

the said trade ever since the year 1989 without any complaints whatsoever from any quarters. All the members have necessary licences for storing and selling of fire crackers. It is stated that the Municipal Corporation, Vijayawada has been allotting them Swarajya Maidan opposite to State Guest House in B-Block, for the purpose of selling fire crackers during Diwali season and the said practice was in vogue till 2011. In the year 2011, the 2nd respondent issued proceedings in R.C.No.E2.3086/2011, dated 06-09-2011 authorising the 3rd respondent to allot shops within Swarajya Maidan by taking draw in the open meeting from among the individual applicants and pursuant thereto, the 3rd respondent issued a notification in Rc.No.100/07, dated 22-09-2011 calling for applications. It is averred that even before issuing the said proceedings, the petitioner Association made a representation to the 2nd respondent requesting to allot at least 50% stalls in favour of the Association, but without considering the said representation, the above proceedings were issued. Challenging the said notification, the petitioner Association earlier filed W.P.No.27029 of 2011, but the same was dismissed on the ground that they have no legal right to seek any such reservation in their favour, but, however gave them a liberty to participate in the drawal of lots. Thereafter, the petitioner Association made a representation on 08-08-2012 requesting the respondents 2 and 3 to consider their grievance and arrange 50 percent of the stalls in their favour in Swarajya Maidan, opposite to State Guest House, B-Block, for the purpose of selling fire crackers during the current Diwali season commencing from 03-11-2012 to 14-11-2012. Aggrieved by the inaction of the respondents, the present writ petition came to be filed.

As seen from the material on record as well as the writ affidavit, the grievance of the petitioner Association appears to be non-allotment of shops in Swarajya Maidan, opposite to State Guest House, B-Block, Vijayawada for the purpose of selling fire crackers during the current Diwali season commencing from 03-11-2012 to 14-11-2012. Therefore, at this point of time nothing survives for adjudication in the writ petition.

In view of the same, the writ petition is closed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 04-11-2015

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