

The Hon'ble Sri Justice A.Rajasheker Reddy

Writ Petition No.13844 of 2015

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Order:

This Writ Petition is filed for a Mandamus to declare the action of the respondents in trying to evict the petitioner from the Chapel shop, which is situated by the side of Delux hotel, Ward No.25, Rajahmundry, in an extent of 2 x 3½ square yards, without issuing any notice under the Andhra Pradesh Municipal Corporation Act, 1994, as illegal and arbitrary.

The case of the petitioner is that earlier he was the tenant of one K.Rajendra Prasad, who is the owner of the Delux Hotel. Subsequently, he has vacated the said shop and established a small shop in the site belonging to respondent No.2, after obtaining necessary permission, and started doing business therein by paying taxes regularly. When the said Rajendra Prasad tried to dispossess him from the said shop, he has filed a suit for permanent injunction being OS.No.291 of 2008 on the file of the Court of the learned I Additional Junior Civil Judge, Rajahmundry, which was decreed on 03-07-2003. Now, respondent No.2 is high-handedly trying to evict him from the subject shop. Hence, he filed the present Writ Petition.

Heard the learned Counsel for the petitioner, the learned Government Pleader for Municipal Administration appearing for respondent No.1 and Mr.A.Pandu Ranga Rao, learned Standing Counsel for respondent No.2- Corporation.

The learned Standing Counsel for respondent No.2, on instructions, submits that the petitioner has been doing the business by occupying the road margin and that the same is causing obstruction to the free flow of traffic.

In view of the above submission of the learned Standing Counsel for respondent No.2- Corporation that the petitioner has occupied the road margin and has been doing business, I do not see any ground to entertain this Writ Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.18150 of 2015, filed by the petitioner for interim relief, is dismissed as infructuous.

(A.Rajasheker Reddy, J)

Dt: 7th May, 2015

lur/dr