

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 1326 of 2015

DATED 28th September, 2015

BETWEEN

N. Sujatha

....Petitioner

And

State of Andhra Pradesh,

Rep. by its Principal Secretary,

Agriculture Department,

Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 1326 of 2015

ORDER:

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Heard learned Counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner was allotted Open Stall No. 150 in the Rythu Bazar, at Swarajyamaidan, Vijayawada, Krishna District by proceedings dated 02.05.2009 for running business in pickles and Bakery items. Earlier the

petitioner filed Writ Petition No. 17655 of 2010 and this Court granted interim direction on 5.10.2010 directing the fifth respondent to implement the proceedings issued by the third respondent. Thereafter the fifth respondent allotted the aforesaid open stall to the petitioner. The petitioner again filed Writ Petition No. 17454 of 2014 when the respondents 4 and 5 threatened to evict her from the said open stall. However, the said Writ Petition was dismissed by order dated 19.11.2014 with liberty to make a representation to the respondents. Pursuant to the said order, the petitioner submitted a representation on 18.12.2014 for extension of the period of the stall. The said representation was rejected on 30.12.2014 stating that the allotment of stalls in Rythu Bazars is only for three years and as the petitioner has already completed more than three years' period, continuation/allotment of the stall beyond the said period cannot be permitted. Challenging the said order, the present Writ Petition is filed.

A counter affidavit is filed on behalf of the respondents stating that as per G.O.Ms.No.29, dated 16.12.2012 allotment of stalls after completion of three years' period shall be cancelled as per rules. When the respondents proposed to initiate action, some allottees approached this Court in Writ Petition No. 9616 of 2012 and the said Writ Petition was disposed of on 30.07.2012 with some directions and the said directions were confirmed by the Division Bench of this Court in the order dated 14.09.2012 passed in Writ Appeal No. 1153 of 2012. In view of the same, the petitioner is not entitled to continue beyond the period of licence. Though the licence period of the petitioner expired in the month of October, 2011, she however was continued till 14.12.2014. i.e. for a period more than the original licence period.

It is manifestly clear from the above factual matrix that the petitioner was initially granted licence for a period of one year by proceedings dated 2.5.2009 for running business in pickles and bakery items in the Rythu bazaar at Vijayawada. Thereafter she continued up to 14.12.2014, beyond the original licence period. In the circumstances, this Court finds no valid and substantial ground to entertain the Writ Petition.

The Writ Petition is accordingly dismissed. However this order will not prevent the petitioner from making a representation seeking fresh allotment of stall.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 28th September, 2015.

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