

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No.24713 of 2011

Between: _____

E.Padmaja

... Petitioner/Appellant (s)

and

State of Andhra Pradesh, rep. by its Principal
Secretary to Government, Department of Municipal
Administration and Urban Development,
Secretariat Buildings, Saifabad, Hyderabad and
Five others.

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... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 03.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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|----------|---|---------------|
| <u>1</u> | <u>Whether Reporters of Local newspapers</u>
<u>may be allowed to see the Judgments?</u> | <u>Yes/No</u> |
| - | | |
| <u>2</u> | <u>Whether the copies of judgment may be</u>
<u>marked to Law Reports/Journals</u> | <u>Yes/No</u> |
| - | | |
| <u>3</u> | <u>Whether Their Ladyship/Lordship wish to</u>
<u>see the fair copy of the Judgment?</u> | <u>Yes/No</u> |

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HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.24713 OF 2011

ORDER :

This petition is filed for a writ of *Mandamus* declaring the

action of the 2nd respondent in not taking appropriate action on the representation of the petitioner dated 11.10.2010 to remove the illegal encroachments made by the push cart vendors, hawkers and mobile eateries on Road No.55, Jubilee Hills, Hyderabad, as illegal and arbitrary and contrary to Sections 402 and 405 of the Hyderabad Municipal Corporations Act, 1955.

The case of the petitioner is that she is the owner and possessor of an extent of land admeasuring 1172 sq. ys., bearing Plot No.1086, situated in part of survey number 403/1 (old), New No.120/1 of Shaikpet Village and Survey number 102/1 of Hakeempet Village, Road No.55, Jubilee Hills, Hyderabad, having purchased the same through registered sale deed No.80 of 1994 from the 3rd respondent in the year 1994 and is in peaceful and continuous possession and enjoyment of the said property from the date of purchase after constructing a house therein by taking the necessary approvals all concerned and paying necessary fee to the competent authority. The said property is located adjacent to 'Peddamma Temple' which is under the control of the 4th respondent. But, the serenity and sanctity of the temple is being compromised by the push cart vendors, hawkers and mobile eateries who have illegally occupied the approach road and pavements leading to the temple and the said encroachments resulted in a situation where there is little carriage way left on road No.55 for movement of vehicles leading to and coming from the temple and petitioner's residence. It is also stated that all the vendors leave the place at night while leaving the left-over on the road posing grave danger to public health. As such, petitioner made representations on 11.10.2010 and 14.12.2010, bringing the aforesaid difficulties to the notice of the 2nd respondent. As no action has been taken, present writ petition is filed.

The 2nd respondent filed counter affidavit stating that it is true that some push cart vendors and hawkers have encroached the foot paths, but it is not true that there is little carriage way; that the said road is 50 feet wide and some times there will be traffic jam due to number of devotees attend to offer prayers; that in pursuance to the complaint made to the Zonal Commissioner, GHMC, about the obstruction being caused to the smooth flow of traffic, the GHMC officials went to the spot along with enforcement lorry and removed the encroachments like push carts, petty vendors encroachments; that the GHMC officials have discussed with the Executive Officer, Peddamma Temple, to allot some place to the petty vendors in the temple premises in order to avoid future encroachments; that the Executive officer has informed that he will bring the matter to the notice of Deputy Commissioner, Endowments; and that if the temple authorities allot some space to the petty vendors in the temple premises, the matter will be subsided. It is further stated that it is not true that the respondent No.2 has not taken any action. It is also stated that the GHMC has not only removed the encroachments, but also trying to make permanent solution in consultation with the temple authorities and sought for dismissal of the writ petition.

Heard both sides.

Since in the counter affidavit, the 2nd respondent stated that it has already removed all the encroachments on Road No.55, Peddamma temple road and it is also trying to make permanent solution in consultation with the temple authorities, it is for the 2nd respondent to consider the representation submitted by the petitioner.

In view of the above, this writ petition disposed of directing

the 2nd respondent to consider the representation of the petitioner within a period of eight weeks from the date of receipt of a copy of this order and thereafter take action in accordance with law. No order as to costs.

As a sequel thereto, miscellaneous applications, if any pending in the contempt case, shall stand closed.

A.RAJASHEKER REDDY, J

03.08.2015

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