

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.31513 of 2015

DATED : 30.09.2015

Between :

Shaik Imam S/o.Mastan,

Age : 54 yrs, R/o.D.No.73-3-1/3,

Near RTO Office, Narayanapuram

Rajahmundry, E.G.District & 3 others

.. Petitioners

and

State of Andhra Pradesh,

rep., by its Principal Secretary,

Municipal Administration Department,

Secretariat Buildings, Hyderabad & another.

.. Respondents

This court made the following :

THE HON’BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The petitioners claim to be belonging to economically backward class without any financial support and by establishing small buddy shops attached to the main compound wall of Government General Hospital, Rajahmundry, running shops like pan shop, cool drink shop, fruit shop and petty tea stall etc., in the year 2009 eking out their livelihood by operating the same for the last six years. It appears that at the instance of contractor, who is authorized to run canteen inside the hospital premises, the authorities of Municipal Corporation, are threatening to remove the buddy shops established by the petitioners. In such a case, great prejudice would be caused to the petitioners and they would be thrown on the roads without any avocation and source of living.

2. Learned counsel for the petitioners submits that the place occupied by the petitioners is an isolated place and they have not occupied any public passage or use. The place is totally idle and is not useful for any purpose. To the knowledge of the petitioners, there is no proposal to utilize the said piece of land for any purpose. The petitioners are also paying occupation tax on account of occupying the public place.

3. Admittedly, the petitioners are in occupation of public place and there is no authorization given to them for such occupation. The said occupation is not granted by way of public notification or after considering the claims of any other person or by way of granting lease. Merely because the petitioners also pay tax for occupying the public place, does not give them any right to contend that they should continue to occupy the place. Thus, no right is vested in the petitioners and they cannot seek to continue in the said place and cannot seek direction not to interfere with their possession and not to remove the buddy shops. However, it appears as of now, no steps are taken by the respondent-Corporation and having regard to the fact that since last six years, the petitioners are operating their buddy shops, they are directed to make alternative arrangements for re-locating their avocation to any other place as expeditiously as possible, and at any rate, the petitioners are not entitled to continue in the same place beyond the period of six months from this date.

4. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

30th September, 2015.

Note : Issue c.c. by 05.10.2015.

B/o.

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