

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11647 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents 1 and 2 in removing the shops pertaining to the petitioners 1 to 10, situated at R.R.B.H.R.College Walla, Railway Feeder Road, Pithapuram, East Godavari District, without serving notice under Section 192 of the A.P.Municipalities Act, 1965, as illegal and arbitrary and for a consequential direction to the respondents 1 and 2 not to remove the said shops without showing alternative place to the petitioners to continue their business.

The case of the petitioners is that they are running buddy shops abutting to R.R.B.H.R.College Wall, Railway Feeder Road, Pithapuram, East Godavari District and have been paying municipal tax to the 1st respondent regularly. The 1st respondent also has given permission to the petitioners to run their business. During the year 1997, the 1st respondent also allotted the said shops to the petitioners for their livelihood and they have been enjoying the said place by doing business in the said shops. While so, recently, the 1st and 2nd respondents, without issuing notice to the petitioners contemplated under Section 192 of A.P.Municipalities Act, 1965, are trying to remove the shops of the petitioners saying that the said shops are causing traffic problem at Railway Feeder Road. The petitioners further stated that they have submitted written representation to the 2nd respondent on 18.04.2015 stating that there is a 40 feet road leaving the margin from their shops. But, without considering the said representation, the respondents are trying to remove the shops of the petitioners without showing alternative place. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioners.

Sri Nimmagadda Venkateswarlu, learned Standing Counsel for respondents 1 to 3 submits that as on today no notice is issued to the petitioners and the writ petition is premature.

Though, petitioners state that the respondents have allotted the subject shops to them, no such allotment proceedings issued by the respondents is produced before this Court, except some receipts issued by the respondent municipality. Since the petitioners state that already 40 feet road exists, it is for the respondents to inquire and take action for removal of encroachments, if any, as per law by following due procedure envisaged under A.P.Municipalities Act, 1965 before evicting the petitioners.

With the above direction, writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions if any pending in the writ petition shall stand closed.

A.RAJASHEKER REDDY, J

28.04.2015

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