

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.19789 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue Writ of Mandamus to declare the action of the 4th respondent in issuing the impugned proceedings, dated 28-06-2015 bearing R.C.No.62-B/2012 demanding the petitioner herein to vacate the Book Stall without considering his request for extension of time till the end of September, 2015, as being illegal, arbitrary and unjust and consequently set aside the same.”

Heard Smt. M. Suguna, learned counsel for the petitioner and learned Government Pleader for respondents.

An application was made by the petitioner herein, requesting to establish a books and school bags stall in the open space in front of the 5th respondent library premises. The 3rd respondent herein vide letter, dated 02-02-2014 directed the 4th respondent herein to grant permission to establish the said stall without causing any hindrance to the library and subject to payment of requisite electricity consumption charges. In pursuance of the same, the petitioner erected a shed and established a stall of books and school bags and according to the said permission the period prescribed commenced from 03-02-2014 to 10-08-2014.

According to the petitioner, it never caused any

inconvenience to the 5th respondent library and subsequently the said permission was extended till 10-03-2015. It is also pleaded by the petitioner herein that it has submitted a representation to the 2nd respondent on 02-03-2015, requesting the 2nd respondent to extend the time for a further period of six (6) months, stating that huge stocks of books and bags are lying in the stall. The 5th respondent, on 16-03-2015, issued a notice, asking the petitioner to vacate the premises by the end of March, 2015. Subsequently, by virtue of the impugned proceedings vide R.C.No.62-B/2012, dated 28-06-2015 4th respondent once again directed the petitioner herein to vacate the premises. In the present writ petition, it is stated by the petitioner in the affidavit filed in support of the writ petition that the deponent is a poor person and there is a huge quantity of books and school bags lying in the stall and if permission is extended for a further period of six (6) months it will sell away the said stocks and vacate the said premises. It is also stated that the petitioner herein has been regularly paying the electricity consumption charges and also did not cause inconvenience to the affairs of the 5th respondent library and in the event of granting any extension no prejudice will be caused to the 5th respondent.

Today when the matter is called, it is submitted by the learned counsel for the petitioner that the petitioner herein may be permitted to continue in the premises subject to payment of all the charges till the end of September, 2015 by which time the entire stock in the stall can be sold out. It is also submitted on

instructions that the petitioner herein would not ask for any further extension for vacating the premises.

Taking into consideration the nature of controversy, this Court deems it appropriate to direct the respondents herein to permit the petitioner herein till the end of September, 2015 in the subject premises by obtaining an affidavit duly verified before a notary public.

For the aforesaid reasons, the writ petition is disposed of, directing the respondents herein to permit the petitioner herein to continue in the subject premises till the end of September, 2015 by obtaining affidavit duly verified before a notary public at Nellore. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ
Petition shall stand closed.

A.V. SETHA SAI, J

July 06, 2015

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