

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.24982 OF 2011

-

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action on the part of Corporation authorities in not allotting alternate place to the petitioner for conducting business after stopping her from conducting business at Buradavari Street Fish market, as illegal and arbitrary and for a consequential direction to the authorities to allot fixed place of platform to the petitioner.

The case of the petitioner is that she belongs to a poor family without any financial support and her husband also neglected their family and he died later on. The petitioner took up the business of selling vegetables in old fish market, Kothapeta for the last 40 years and also became member of Hanmanthayya Kooragayala Vartaka Sangham and also has been paying some amount to this association. While so, the 2nd respondent Corporation Officers regulated the activity in the above said area with the help of local Vartaka Sangam and the petitioner along with other local petty vendors was also identified and various welfare activities were conducted for the identified vendors. The Corporation authorities also stated that they will allot concrete platform near Kothapeta Water tank to the petty vendors who conducts business regularly and in the year 2009-2010, the persons who were identified by the authorities were evicted from the place where they conduct business regularly. Thereafter, some of the persons were allotted platforms. But, the petitioner was not allotted any place and as such, she made a representation in January, 2010. On such representation, the respondent authorities declared that they will be doing the allotment on lottery basis. Since the respondent authorities denied the allotment to the petitioner for doing business, present writ petition is filed.

The 2nd respondent filed counter affidavit stating that the 2nd respondent Corporation has constructed platforms in Hanumantharaya Fish Market,

Kothapet, Vijayawada for carrying out petty vending business and the platforms were allotted to the vendors who were doing the petty business in the area of Buradavari Street, Kothapet, Vijayawada. It is also stated that the Town Planning Wing of Vijayawada Municipal Corporation identified 80 vendors for allotting the platforms during the year 2009 and the petitioner was not among the identified beneficiaries list. It is also stated out of 85 platforms available, the respondent Corporation allotted 80 platforms to the identified vendors who were 80 in number and again lottery was conducted in respect of remaining 5 platforms out of the 21 pending applications, including the name of the petitioner and the petitioner could not get in the lottery. It is further stated in the counter that the respondent Corporation has already informed the petitioner vide endorsement dated 05.05.2011 that a platform will be allotted to her whenever vacancy of the platform arises. The respondent Corporation also sent a reply on 01.06.2011 to the legal notice assuring her allotment of platform only if she waits till a platform is vacant. It is also stated that though the respondent Corporation has informed the petitioner that platform would be allotted as and when vacancy arises, the petitioner is insisting from time to time by approaching different forums including District Collectors grievance i.e. Prajavani, Krishna. It is further stated that the petitioner without waiting for further orders, approached this Court without having substantial ground and prima facie cause of action as the petitioner cannot claim the platform as a right and every need of the individual cannot be satisfied by the Corporation and it is not obligatory on the part of the Corporation.

Though the petitioner claims allotment of the platform in her favour on the ground that she was doing business in the Hanumantharaya Fish Market, Kothapet, Vijayawada, she did not cite any statutory rule or regulation in support of her claim which entitles her for such allotment. But, however, the respondent Corporation in the counter stated that it has allotted platforms to the identified vendors, firstly and later it has conducted lottery to the remaining five platforms out of 21 pending applications, including the name of the petitioner. Since the petitioner could not succeed the platform in the lottery, she was not allotted any platform.

In view of the above and since the respondent Corporation has already informed the petitioner that they will allot platform as and when vacancy arises, this writ petition is disposed of directing the respondent Corporation to consider allotting of platform to the petitioner as and when vacancy arises as stated by them in the counter. 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

15.06.2015

tk