

**HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.20692 OF 2010**

**ORDER:**

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, to declare the action of the respondents in issuing notice dated 11.08.2010 singling out the petitioner and threatening her to evict the vegetables baddi situated at Grampanchayath area bearing No.4-158/4, adjacent to Vinayaka temple, Boorlaveedhi vegetable market of Gajapathinagaram village and Mandal, Vizianagaram District, without considering the explanation submitted by the petitioner on 16.08.2010 and permitting other vegetable vendors in their existing place, as arbitrary and illegal and consequently, direct the respondents not to evict the petitioner's vegetable baddi.

The case of the petitioner is that she is doing vegetable business since 13 years in the premises bearing No.4-158/4, Boorlaveedhi vegetable market, Gajapathinagarm Village and Mandal, Vizianagaram District and the said premises was allotted by the 1<sup>st</sup> respondent Grampanchayat, by collecting licence fee. There are 40 vegetable vendors in the said market. While so, the respondents came to the shop of the petitioner on 09.02.2007 and threatened her to evict the said place, on which she filed WP No.2598 of 2007 before this Court and this Court disposed of the same on 02.06.2010 by directing the respondents to provide an alternative place to the petitioner, in case they propose to dispossess the petitioner from that place. Thereafter, on 11.08.2010 the respondents issued a notice to the petitioner stating that they are providing a place at western side of the market to her and vacate the present place. The petitioner submitted her explanation on 16.08.2010. The grievance of the petitioner is that without considering her explanation, the respondents are trying to evict

her from the market, while permitting the other vendors to continue in the present place and the alternative place shown by them is unfit for doing the vegetable business.

The respondents filed a counter affidavit stating that as the shop of the petitioner, where she is doing vegetable business now, is in the road margin, obstructing free flow of traffic, a notice was issued to her to vacate the said place and an alternative place was also allotted to her, which is in the same market area.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

In the facts and circumstances of the case and in view the submission of the petitioner that she has already submitted an explanation to the respondents, I deem it appropriate to direct the respondents to consider the explanation of the petitioner and pass appropriate orders on the same.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the explanation, dated 16.08.2010, submitted by the petitioner and pass appropriate orders on the same, within a period of three months from the date of receipt of a copy of this order. Till such time, respondents are directed to maintain status quo. There shall be no order as to costs. The miscellaneous petitions pending, if any, shall stand closed.

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**RAJA ELANGO, J**

**February 06, 2015.**  
**KTL**