

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

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Writ Petition No.31053 OF 2010

DATED:11.09.2015

Between:
Sri Arekatika Surya Sajjan Sangam,
Nizamabad.

... Petitioner

And

The Nizamabad Municipal Corporation,
Nizamabad,
Represented by its Commissioner and another.

Respondents

Respondents

...
...

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

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Writ Petition No.31053 OF 2010

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ORDER:

Heard learned counsel for the petitioner. None appears for the respondents, though served.

The petitioner, in the instant writ petition, makes the following prayer:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of Mandamus declaring the action of the respondents in high handedly dispossessing the members of the petitioner society from Mustadipura Market, known as Ahmedi Bazar at Nizamabad, thereby depriving the members of the petitioner society from doing lawful trade/business in the said area as being illegal, arbitrary and violative of Articles 14,19 and 300A of the Constitution of India and consequently, to direct the respondents not to dispossess the members of the petitioner society from the said market area and to pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

On 10.12.2010, this Court passed the following order:

“In the light of the order passed by this Court in W.P. No. 24960 of 2002 and the submission of Sri P. Venugopal, learned Counsel for the petitioner-Society, that no notice has been issued to the petitioner-Society pursuant to the said order, there shall be an interim direction to the respondents not to dispossess the members of the petitioner-Society from Mustadipura Market, Ahmedi Bazar at Nizamabad, without

following due process of law.”

Having regard to the nature of prayer made in the writ petition and the interim order dated 10.12.2010, I am satisfied that this writ petition can be conveniently disposed of in terms of the interim order dated 10.12.2010.

Order accordingly.

This however shall not preclude the respondents from following the due process of law, if they propose to take any action against the petitioner.

With these observations, the writ petition is disposed of.

Consequently, pending miscellaneous applications shall also stand closed. No costs.

DILIP B. BHOSALE, ACJ

11th September, 2015

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