

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11807 OF 2015

ORDER:

This writ petition is filed seeking *Writ of Mandamus* declaring the action of the 1st respondent in taking steps to demolish petitioner's bakery and pan shop shed at City Bus Station, Hanamkonda, Warangal District without following due process of law and further action of the 2nd respondent in not taking steps to allot alternate site to the petitioner, as illegal and arbitrary and for a consequential direction to the 1st respondent not to demolish the above sheds of the petitioner.

The case of the petitioner is that she became the successful bidder in pursuance to the notification issued by the 2nd respondent on 20.09.2012 by offering Rs.8,500/- per month and also in pursuance to the notification dated 05.10.2013 by offering Rs.2,299/- per month. Subsequently the 2nd respondent issued acceptance letter dated 16.02.2013 and 25.11.2013 respectively asking the petitioner to comply with formalities to conclude the agreement. After receipt of the said letter, the petitioner came to know that the 1st respondent is taking up road widening program where under the temporary sheds erected by the petitioner for doing business are going to be demolished. Regarding the same, she made representations dated 05.03.2013 and 09.01.2014 to the 2nd respondent requesting him to allot alternate sites. But the 2nd respondent without considering the same, issued notice dated 22.08.2013 demanding the petitioner to pay the balance security, otherwise action will be initiated. Under the compelling circumstances, the petitioner paid the balance security deposit and entered into agreement. Aggrieved by the action of the 2nd respondent in not responding to the representations made by the petitioner and by the action of the 1st respondent in taking steps to demolish the petitioner's sheds, the present writ petition is filed.

Learned counsel for the petitioner submits that though the petitioner has

complied with the all the tender conditions and though the agreement entered into by the petitioner with the 2nd respondent is operative till 13.09.2018, the respondents are trying to evict the petitioner.

Smt P.Lakshmi, learned Standing counsel for the 1st respondent submits that as of now, the respondent authorities are not demolishing the petitioner's properties and only they are conducting inspections for the purpose of road widening.

Sri B. Mayur Reddy, learned Standing counsel appearing for the 2nd respondent submits that since the 2nd respondent has not received any orders from the 1st respondent, the 2nd respondent has not taken any decision as of now and, therefore, the petitioner will be continued as per the terms and conditions of the tender in pursuance of which, she has been allotted space. As such, the writ petition is premature.

Recording the above submissions made by both the counsels appearing for respondents Nos.1 and 2, the writ petition is disposed of directing the 1st respondent not to demolish the properties that are in occupation of the petitioner pursuant to the tender notice issued by the 2nd respondent, without following due process of law.

There shall be no order as to costs. As a sequel, miscellaneous petitions, pending, if any shall stand closed.

A.RAJASHEKER REDDY, J

23.04.2015

Note:

CC by 27.04.2015

(B/o) dv

