

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.35849 of 2015

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04.11.2015

Between:

Soketi Nagaraju and another

.. Petitioners

and

The State of Andhra Pradesh,

represented by its Principal Secretary,

Municipal Administration and Urban Development Department,

Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.M.V.S.Sarma

Counsel for respondent No.1: Government Pleader for

Municipal Administration and Urban Development (AP)

Counsel for respondent No.2: Mr.A.Panduranga Rao,

standing counsel for Rajahmundry Municipal Corporation

Counsel for respondent No.3:--

The Court made the following:

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ORDER:

The petitioners, who are wife and husband, have filed this writ petition with the apprehension that respondent No.2 is likely to evict them from the place in which they have established a kiosk for running petty business in front of the Government Hospital, Rajahmundry.

In paragraph 2 of the affidavit filed in support of the writ petition, the petitioners have pleaded that they are doing petty business in cool drinks on push carts. The material filed by them shows that they have raised a small kiosk for sale of items such as cosmetics and eatables such as bread, biscuits etc., The learned counsel for the petitioners submitted that the averment in the affidavit relating to the nature of the petitioner's business is a mistake and that respondent No.2 itself has granted license from 01.04.2009 to 31.03.2010 for running a shop and that since then the petitioners have been running the same. In support of this submission, the petitioners have filed a copy of license issued by respondent No.2. They have also filed no objection certificate, dated 05.09.2004, issued by respondent No.2 for release of electricity supply to their temporary shop.

Mr.A.Panduranga Rao, learned standing counsel for the Rajahmundry

Municipal Corporation appearing for respondent No.2, on instructions, submitted that the writ petition is filed based only on apprehension, which has no basis and that as on today, respondent No.2 is not proposing to evict the petitioners. He has further submitted that as and when respondent No.2 proposes to evict the petitioners, it will issue notice and follow the due procedure of law.

The above submissions of the learned standing counsel for respondent No.2 are placed on record and the Writ Petition is accordingly closed.

As a sequel to closure of the writ petition, W.P.M.P.No.46078 of 2015 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

04th November, 2015

GHN