

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.4787 of 2016

ORDER:

The prayer of the petitioners – Sangam in this case is as under:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring action of the 1st and 2nd respondents in not preventing the 3rd respondent in starting of wholesale vegetable market in it's market yard at Tekke by encroaching and grabbing the rights and jurisdiction of the 2nd respondent as illegal, improper, unjust, and arbitrary and contrary to Sec.277 and 279 of A.P. Municipalities Act and further declare that the 3rd respondent has no power or right to establish the wholesale vegetable market in its market yard, except allowing the ryths who produces the vegetables and fruits to sell it in the market yard and pass such other order or orders as this Hon'ble Court may fit and proper in the interest of justice.”

The petitioners' - Sangam representation dated 23.01.2016 is admittedly pending consideration before the Collector, Kurnool District. The Commissioner (Full Additional Charge), Nandyal Municipality, also appears to have submitted report dated 27.01.2016 to the Collector, Kurnool, in this regard. As the Collector, Kurnool, is yet to apply his mind to the petitioners' representation and the Municipality's report, this Court is not inclined to entertain this writ petition and adjudicate the same on merits at this stage.

The writ petition is accordingly disposed of directing the Collector, Kurnool District, the 1st respondent herein, to consider the petitioners' representation dated 23.01.2016 in the light of the report dated 27.01.2016 submitted by the Commissioner, Nandyal Municipality and take appropriate action in the matter after giving an opportunity of hearing to all the parties concerned. Any action taken by the 1st respondent shall be by way of a reasoned order which shall be communicated to all the parties concerned. This exercise shall be

completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:15.02.2016

GJ