

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.40358 OF 2015

ORDER:

It is the case of the petitioner, as per the affidavit contents of the petitioner, that she is a member of Self-Help group Gulabi, which was formed on 14.06.2015. She, on behalf of the Group, has applied for permission to run shops in Rythu Bazar, Khammam. It is her submission that on 08.03.2012, the

6th respondent was allotted a shop in Rythu Bazar, Yellandu 'X' road, Khammam Town. Though, the 6th respondent has committed default in paying rents, she was allowed to continue the shop. Petitioner further submits that she made a representation dated 18.11.2015 to respondents 2 to 5 against respondent No.6 for running business in 'Rythu bazaar-II, Yellandu 'X' road' without authorization and against G.O.Ms.No.29 dated 16.02.2012. Alleging inaction on the part of respondents 2 to 5 in considering and disposing of her representation, petitioner filed the present writ petition.

Heard both sides.

On 20.01.2016, this Court granted the following interim order in W.P.M.P.No.52104 of 2015:

"Since the allotment of the subject shop to 6th respondent is without any public notification and since the 6th respondent has also admittedly committed default in payment of rents while she was member of a different self-help group by name Sri Sai Self-help Group, the action of respondent Nos.1 to 5 in allowing her to do business in the subject shop is contrary to law and also G.O.Ms.No.29 dt.16.02.2012 issued by 1st respondent. Therefore, the respondent Nos.4 and 5 shall restrain the 6th respondent from doing any business in the subject shop till further orders."

Now a counter affidavit has been filed along with a vacate petition in W.V.M.P.No.526 of 2016 by the 6th respondent. Further, respondents 4 and 5 have also filed a counter affidavit wherein they categorically denied allotment of shop in favour of

6th respondent. It is the common contention of respondents 4 to 6 that allotment of shop was made in favour of Laxmi Mutually Aided Co-operative Society, it is not a self-help group and the same is a Co-operative Society. It is the further contention of the counsel for the 6th respondent that merely because the 6th respondent, as an office bearer representing Laxmi Mutually Aided Co-operative Society, was running the shop, it cannot be stated that the shop was allotted in her favour.

No reply affidavit has been filed rebutting the specific averments made by both the respondents.

In that view of the matter and considering the counter averments, the writ petition is disposed of directing the

3rd respondent-Joint Collector to consider and dispose of the representation of the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed and the interim order passed by this Court on 20.01.2016 in W.P.M.P.No.52104 of 2015 shall stand vacated.

Justice Challa Kodanda Ram

12th April, 2016.

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