

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

WRIT PETITION No.2202 of 2016

28.01.2016

Between:

Smt.Pramila Devi

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Panchayat Raj and Rural Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mrs.S.Nanda

Counsel for respondent Nos.1 and 3: Assistant Government Pleader
for Panchayat Raj and Rural Development (TS)

Counsel for respondent No.2: Assistant Government Pleader for Revenue
(TS)

Counsel for respondent Nos.4 and 5: --

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent Nos.4 and 5 in seeking to dispossess the petitioner from the shop, wherein mutton business is being run from the time of her husband under license, as illegal and arbitrary.

Mr.G.Narender Reddy, learned standing counsel for Panchayat Raj Institutions (TS) appearing for respondent Nos.4 and 5, on instructions, submitted that though the petitioner's husband was granted license for running mutton shop during his life time, the license has expired by 31.03.2015, and that as a temple has come up adjacent to the shop in question, respondent No.5 has not renewed the license.

He has further submitted that on the complaints received by respondent No.3 against running of such shop near the temple premises, the said respondent has directed respondent No.5 to take appropriate action, as per law, and that so far, no action has been taken. He has also submitted that respondent No.5 has proposed that the petitioner may shift her shop to a government site, which is situated at a distance of one furlong from the existing shop.

From the admitted facts, it is evident that the petitioner's mutton shop is allowed to run under license since a long time and the license granted to her husband has expired on 31.03.2015. If a temple has come up in the vicinity, respondent No.5 may have justification in asking for shifting the shop in question. However, before taking such action, it is appropriate that respondent No.5 issues a notice calling for objections, if any, from the petitioner. After considering such objections, respondent No.5 shall be free to take action, as per law, for shifting of the petitioner's mutton shop.

Accordingly, respondent No.5 is directed to issue notice to the

petitioner calling for objections for shifting of the shop in question. Within two weeks from the date of receipt of such notice, the petitioner shall file her objections. On considering such objections, respondent No.5 shall pass appropriate orders and communicate the same to the petitioner, before taking up further action for shifting of the shop in question.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.2788 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

28th January, 2016
GHN