

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.7742 of 2016

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus – declaring the action of the 2nd respondent in taking away the Steel Stand and Copper Tea Boiler from the petitioner shop bearing Door No. 4/135/1, Snidhi Street, Srikalahasti, Chittoor District without giving sufficient time and without considering the reply dt. 5.2.2016 and 2.3.2016 under Roc No.5449/2015/G1 Dt. 23.1.2016 giving only 24 hours time for removing the shop and without passing final order in pursuance of notice in ROC No.5449/2015/G1 Dt. 22.1.2016 as illegal arbitrary and contrary to the provisions of Municipalities Act and consequently to set aside the same in the interest of justice and to pass necessary order or orders as this Hon’ble Court may deem fit.”

The petitioner has already submitted two replies to the notice dated 22.01.2016 and receipt thereof is borne out by the material placed on record.

In that view of the matter, the writ petition is disposed of directing the respondent municipal authorities not to disturb the possession and enjoyment of the petitioner over the subject shop except in accordance with the due procedure laid down by law. The respondent municipal authorities shall return the steel stand and copper tea boiler to the petitioner forthwith.

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

JUSTICE SANJAY KUMAR

10th March, 2016
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