

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.36061 OF 2016

ORDER:

Heard Mr.Kowturu Pavan Kumar for petitioners, the Assistant Government Pleader for respondents 1 and 2 and Mr.J.Sinivasa Rao for respondents 3 and 4.

The petitioners pray for Mandamus declaring the action of respondent Nos.2 to 4 in evicting petitioners from Shop Nos. 29, 27, 26, 17, 22, 25, 24, 33, 34, 36, 37, 38 and 39 at Coolie lane, M.G.Road, Kothagudem, Bhadradi Kothagudem District without recourse to law, as illegal and unconstitutional.

The petitioners claim to be doing petty avocations and business in the shops referred in the writ prayer. The petitioners under orders of licence or permission claim to be in possession and are also discharging the agreed obligations in this behalf. Now the complaint of the petitioners is that respondents 2 to 4 due to completion of the period of licence are taking steps to forcibly dispossess the petitioners without recourse to law. Hence the writ petition.

Learned standing counsel objects to the maintainability of writ petition, firstly on the ground that the writ petition is filed on apprehensions and secondly the petitioners cannot seek protection since the period for which licence is granted, is expired long ago. He further submits that if at all the existing arrangement is not extended or continued, respondents 3 and 4 will follow the procedure stipulated by law for securing vacant possession of extents enjoyed by the petitioners.

I have perused the affidavit and also the material available on record and taken note of the limited submissions of learned counsel appearing for the parties.

The objection of Mr.Srinivasa Rao that the writ petition is based on apprehension though sounds attractive, but the apprehension if given effect to, causes irreparable injury and hardship. Without actually deciding this as fact in issue between the parties, to meet the ends of justice and also the requirement of rule of law, I am satisfied that the writ petition is disposed of by this order:

Respondents 2 to 4 shall not dispossess or interfere with the possession and enjoyment of the petitioners/shop owners except in accordance with law. It is made clear that this Court has not examined the assertions of the petitioners or the probable defences they have in this behalf. The authority decides such pleas on their own merits as and when occasion arises.

No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S.V.BHATT,J

Date:25.10.2016
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