

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.1591 of 2016

Dated: 21.01.2016

Between:

Manavarapu Dhanaraju

.. Petitioner

And

The State of Andhra Pradesh
rep. by Principal Secretary to Home
Department, Secretariat Buildings,
Hyderabad,
and two others.

..
Respondents

Counsel for the Petitioner : Mr. T.Singaiyah
Goud

Counsel for Respondents 1 & 3 : AGP for Home

The Court made the following:

ORDER:

Removal of a mobile kiosk, being run by the petitioner, by the officials of respondent No.2 is challenged in this writ petition.

At the hearing, Mr. Ancha Panduranga Rao, learned Standing Counsel for Rajahmundry Municipal Corporation, on instructions, submitted that the petitioner has been supplying snacks to customers of a liquor shop by name Sri Surya Chandra Brandy shop by locating his kiosk adjacent to the said shop and, thereby, it is creating lot of traffic hazards and that, for this reason, respondent No.2 had no option other than seizing the kiosk.

Mr.T.Singaiah Goud, learned counsel for the petitioner, could not dispute this submission. He has, however, submitted that since the kiosk contains wheels, as could be seen from the photograph filed in the writ petition, respondent No.2 may be directed to release the same to enable the petitioner to move the kiosk away from the present place to an unobjectionable place. I find this request reasonable. Since the seized kiosk has wheels, the petitioner can shift the same to a distant place where there could be no objection for running the kiosk.

Accordingly, respondent No.2 is directed to release the seized kiosk to the petitioner subject to the petitioner giving an undertaking in writing that he will not run the kiosk at the place from which it was seized.

Subject to the above direction, the writ petition is disposed of.

As a sequel to the disposal of the writ petition, WPMP.No.2013 of 2016 filed by the petitioner for interim relief is disposed of as infructuous.

JUSTICE C.V. NAGARJUNA REDDY

21-01-2016

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