

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.18141 OF 2017

ORDER:

Heard the learned counsel for the petitioners and Sri N.Praveen Kumar, learned Standing Counsel appearing on behalf of respondent No.2.

2. The grievance of the petitioners in the present writ petition is the 2nd respondent – Municipality in not adhering to the orders of the State Government issued vide G.O.Ms.No.116 MA, Municipal Administration and Urban Development (J1) Department, dated 01.02.2008 and G.O.Ms.No.178, Municipal Administration and Urban Development (J1) Department, dated 23.04.2010.

3. According to the learned counsel for the petitioners, the 2nd respondent – Municipality is giving go-by to the instructions of the State Government issued vide the orders referred supra and allotting 10% of the shops to Nayee Brahmin and Washermen Co-operative Societies and in view of the same, the petitioners herein are deprived of their right to participate in the auction.

4. A counter affidavit deposed by the Commissioner, Mahabubnagar Municipality – respondent No.2 is filed. In the said counter affidavit, it is stated at paragraph No.4 as follows:

“4. It is submitted that in reply to para No.5, that the clock tower area of Mahabubnagar is treated as Unit-I by this municipality. Under this unity there are (43) No.s Municipal shops are existing. As per G.O.Ms.No.116, MA, Dt.01.02.2008, 5% of municipal shop have to be reserved for BC Community. As such keeping into consideration 5% shops out of 43 Municipal Shops are reserved for BC Community respectively i.e., Shop No.13 and 28 on random basis. These respondent Municipality does not allotted 10% of shops for BC Community (Appended Notification),

when comes to the Market area in Mahabubnagar, it is treated as Unit-II by this Municipality. Under this unit there are (47) No.s of municipal shops are existing, as per G.O.Ms.No.116, MA, Dt.01.02.2008, 5% of municipal shops have to be reserved for BC Community. As such keeping into consideration 5% shops out of 47 Municipal shops are reserved for BC Community respectively i.e., (Razaka and Nayee Brahmin) Shop No.4, 20 and 29 on random basis.

It is submitted that the municipality has conducted open auction of municipal shops at Clock Tower under Unit – I and Market Area under Unit-II on Dated:08.06.2017. It is submitted that for highest bidders this municipality has issued allotment orders of municipal shops on lease basis. Most of the shops are occupied by the old lessees and their dependants only (son/daughter)."

5. It is very much clear from the contents of the above paragraph that out of 90 shops notified, only 5% of the shops have been earmarked for allotment in favour of Nayee Brahmin and Washermen Co-operative Societies. Therefore, by any stretch of imagination, it cannot be said that the respondent – Municipality has violated the orders of the State Government referred supra.

6. In view of the above, this Court does not find any merit in the present writ petition.

7. Accordingly, the Writ Petition is dismissed.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE A.V. SESA SAI

Date:05.09.2017
INL