

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17997 of 2017

ORDER:

The writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the respondents 2 and 3 in trying to remove the buffaloes from the site in petitioner's occupation of an extent of 150 square yards, situated at the end of the Jendavari Street, Ramakrishnarao peta, Kakinada, as illegal, arbitrary and violative of the principles of natural justice and contrary to the orders passed in W.P.4679 of 2017 and contrary to the Article 19(1)(g) of the Constitution of India and consequently direct the respondents 2 and 3 not to take any coercive steps in removing buffaloes from the site in petitioner's occupation of an extent of 150 square yards, situated at the end of the Jendavari Street, Ramakrishnarao peta, Kakinada, pending disposal of the above writ petition.

2. Heard the learned counsel for petitioner, learned Government Pleader for Municipal Administration and Urban Development (Andhra Pradesh) appearing for the 1st respondent, Sri Ancha Pandu Ranga Rao, learned Standing Counsel appearing for respondents 2 & 3 and perused the material available on record.

3. The case of the petitioner is that the petitioner has taken lease of an extent of 150 square yards of land from one Krishna, situated at end of Jendavari Street, Ramakrishnarao peta, Kakinada, and he has been placing buffaloes therein by constructing compound walls and he is eking out his livelihood by selling milk. On 03.05.2008, the 2nd respondent issued a notice

stating that stationing of buffaloes in the said site is causing inconvenience and on 26.07.2008, the staff of the 2nd respondent came to the site and tried to take the buffaloes from the site. Hence, the petitioner filed W.P.No.16725 of 2008 before this Court and this Court disposed of the said writ petition by directing the 2nd respondent to pass appropriate orders upon the explanation submitted by the petitioner and till then not to interfere with the petitioner in tethering buffaloes in the leased premises. It is further case of the petitioner that on 27.01.2017, the staff of the 2nd respondent came to the petitioner's place and tried to remove the buffaloes from the site and with great difficulty, the petitioner could stop the action of the staff of the 2nd respondent with the help of neighbours and on 31.01.2017, the petitioner made a representation to the 2nd respondent and since the 2nd respondent tried to remove the buffaloes, the petitioner filed W.P.No.4679 of 2017 before this Court and this Court disposed of the said writ petition on 10.02.2017 by directing the 2nd respondent to consider the explanation submitted by the within a period of two (2) weeks from the date of receipt of the order.

The main grievance of the petitioner is that in spite of the orders issued by this Court in W.P.No.4679 of 2017, the 3rd respondent once again issued notice on 12.05.2017 to the petitioner asking him to remove the buffaloes within three days. The petitioner submitted a reply on 25.05.2017 stating that he is running dairy farm business and nobody complained against the petitioner and requested the respondent authorities not to take any coercive steps. In spite of the representation submitted by the petitioner on 25.05.2017, the 2nd respondent authorities once

again came to the premises of the petitioner on 01.06.2017 and threatened the petitioner to remove the buffaloes.

4. Admittedly, the petitioner has given his explanation on 25.05.2017 to the notice of the 3rd respondent by way of a representation, but so far, no action is taken by the 3rd respondent on the said representation of the petitioner.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the respondent authorities to consider the representation of the petitioner, dated 25.05.2017, pass appropriate orders, as warranted by law, as expeditiously as possible, preferably within a period of six (6) weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner. Till such time, the respondent authorities are directed not to take any coercive steps against the petitioner in pursuance of the order, dated 10.02.2017, passed by this Court in W.P.No.4679 of 2017. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO,J

Date: 7th June, 2017

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