

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

W.P.No.26221 of 2007

ORDER:

Heard Sri Ravi Cheemalapati, learned counsel for the petitioner, Sri S.Lakshminarayana Reddy, learned Standing Counsel for Respondent No.2-Corporation and Sri P.Bhaskar, learned Standing Counsel for Respondent No.3-Railways and perused the material available before the Court.

2. According to the petitioner, it is an Association, consisting of street vendors/hawkers and there are 84 members in the said Association. It is further stated in the writ affidavit that the members of the Petitioner Association are selling various products on the footpath behind LIC Building (old Jail Road), Dwarakanagar, Visakhapatnam and they have been granted street vendor certificate of vending under Street Vendors Act and that the members of the Petitioner Association are doing business since 1997. It is also the case of the petitioner association that the officials of the Respondents 2 and 3 are trying to forcibly dispossess the members of the Petitioner Association from the subject land without issuing any notice and without providing any alternative place.

3. Today, when the matter is taken up, it is submitted by the learned counsel for Respondent No.3-Railways, Sri P.Bhaskar that on 13.7.2017, the Respondent Railways issued individual notices to the members of the Petitioner Association, but so far no replies have been received and it is open for the members of the Petitioner Association to submit reply to the said show cause notices and appropriate action will be taken thereof as per law.

4. On the other hand, it is submitted by the learned counsel for the petitioner that no such notices have been served on the members of the Petitioner Association. On hearing the same, it is stated by the learned Standing Counsel for Respondent Railways Sri P.Bhaskar that a set of show cause notices were already served on the members of the Petitioner Association, once again will be given to the learned counsel for petitioner and it is open for the members of the Petitioner Association to submit explanations for the same. The said statement is recorded.

5. Accordingly, the writ petition is disposed of, leaving it open to the Petitioner Association to submit explanations to the show cause notices dated 13.7.2017 within a period of three weeks from today and if any such explanations/replies are filed in response to the show cause notices, the same be considered and appropriate action be taken in accordance with law, after hearing the members of the Petitioner Association. Till the said exercise attains finality, no coercive action shall be taken against the members of the Petitioner Association. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 16.8.2017  
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16.8.2017

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