

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.28969 of 2012

ORDER:

Heard learned counsel for parties.

Learned counsel for parties submit that the prayer in the instant writ petition is substantially covered by the order of this Court dated 25-08-2015 in W.P.No.31419 of 2012. The said writ petition was dismissed with the following findings:-

“Merely because, petitioners were granted licenses, they have no right to occupy public road and drains which are meant for free flow of traffic and drainage. It is the duty of the respondent-Corporation to see that public roads are not encroached. Now the respondent-Corporation has taken decision to evict the petitioners and the same cannot be found fault. Even in the judgment relied on by the counsel for the petitioners, it is held that if the petitioners have made encroachments, they need not be given notices. In view of the same, I do not find any merit in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, it is left open to the petitioners to avail alternative remedy against the impugned proceedings.”

This Court is in full agreement with the view expressed by my learned brother Sri Justice A.Rajasekher Reddy and after perusing the material available on record, this Court is of the view that the prayer of petitioners is required to be rejected and accordingly rejected. However, after seeing the annexures filed along with the writ petition, this Court is of the view that the petitioners are all in

settled possession and eking out livelihood by doing petty business by occupying road margins or a portion of the road. A few of them may satisfy the definition of hawkers. The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, protects a few rights of street vendors/hawkers. With a view to provide succour to petitioners, the following directions are issued :-

The petitioners are given liberty to represent to respondents 1 and 3 for providing alternative accommodation and agreeing to vacate the place in occupation of respective portions. On receipt of such representation, respondents 1 and 3 are directed to examine and provide appropriate relief within the corners of law to petitioners. In the representation, which is permitted to be filed by petitioners, the petitioners are directed to undertake to vacate voluntarily from the land in their possession for considering their request for alternate allotment.

With the above observation, the writ petition is accordingly dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

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S. V. BHATT, J

Dt: 22-02-2017

Prv

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22-02-2017

Prv