

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.9396 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the action of respondents 2 & 3 in interfering with the trade/business of the petitioner i.e., Food Adda (mobile food van) at VUDA Park in Beach Road, Visakhapatnam, though the petitioner is having valid license vide License No.0201880460 upto 2018 as illegal and arbitrary and violative of the provisions of the Hyderabad Municipal Corporation Act, 1955, and violative of Articles 14 and 19(1)(1g) of the Constitution of India and consequently direct the respondents not to interfere in the trade/business of the petitioner i.e., Food Adda (mobile food van) except due process of law.

2. Heard both sides and perused the material available on record.

3. The case of the petitioner is that the petitioner has started the business in the year 2015 and obtained permission from the 2nd respondent to run the said business at Ward No.18 with a valid license bearing No.0201880450 and it is valid till 2017-2018 and that the petitioner paid an amount of Rs.2,880/- as license fee for the year 2017-2018. The grievance of the petitioner is that the 3rd respondent and his staff are interfering with the business of the petitioner without any cause or justification and without any notice and threatening to seize the vehicle, if the petitioner does not stop his business.

4. When the matter is taken up, learned Standing Counsel for respondents 2 & 3 placed before the Court a note submitted on food trucks by the 2nd respondent, wherein the 2nd respondent stated that a joint inspection was conducted by the GVMC officials along with police authorities concerned and regulated all mobile food trucks by allotting an unobjectionable area subject to certain conditions at VUDA central park in Zone 3, which is located in the heart of the city with commercial viability and less public inconvenience.

5. Learned counsel for the petitioner submitted that the petitioner does not have any objection, if he is permitted to run his mobile food van in VUDA central park in Zone 3 and its surrounding area.

6. Considering the facts and circumstances of the case and the submissions of both the learned counsel, this Court intend to dispose of the writ petition with the following direction:

The respondents are directed to permit the petitioner to run his mobile food van in the VUDA Central park in Zone 3 and its surrounding area, as per the note submitted by the 2nd respondent.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO,J

Date: 12th June, 2017
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