

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI**

Writ Appeal No.1134 of 2017

JUDGMENT: (per Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order of the Learned Single Judge in W.P.No.26164 of 2016 dated 17.07.2017. The appellants herein are the petitioners in W.P.No.26164 of 2016 wherein they sought a mandamus to declare the action of the respondents, in seeking to dispossess them from the land of an extent of Ac.0.40 cents in their possession, in R.S.No.316/1B-1, Sai Baba Street, Bhimavaram, West Godavari District, wherein the petitioners claim that they were eking out their livelihood by selling wholesale vegetables, as being arbitrary and illegal.

In the order under appeal, the Learned Single Judge recorded the submission of the Leaned Standing Counsel for the 3rd respondent that, in view of the resolution passed by the Municipality, the respondent authorities had decided to accommodate the petitioners at an alternative place, more particularly in the Agricultural Market Committee area; and they would not dispossess the petitioners without allotting alternative accommodation. The Learned Single Judge recorded the submission of the Learned Standing Counsel and disposed of the Writ Petition directing the Bhimavaram Municipality to identify the place, for allotting alternative accommodation to the petitioners, within a period of 10 days from the date of receipt of a copy of the order; and to earmark the area by way of conducting a lot among the petitioners for doing business. The petitioners were directed to vacate the subject premises, after the alternative place was allotted to them, on or before 15.08.2017.

Both Sri Nimmagadda Venkateswarlu; and Sri B. Chandrasekhar, Learned Standing Counsel for the Bhimavaram Municipality, on instructions, submit that 37 sheds have been earmarked, for these 37 petitioners, in the Agricultural Market Committee area; while notices were served on eight of them on 02.08.2017, the remaining 29 have evaded service of notice; the notices were affixed on the premises; and they have been evicted from the subject premises today.

Admittedly, the subject land belongs to the Bhimavaram Municipality. While the petitioners claim to have been in occupation of the subject land, for carrying on their wholesale vegetable business, for the past several decades, it is evident from the order under appeal that the Municipality had been directed to identify another place for them to eke out their livelihood; and the petitioners were directed to vacate the subject premises by 15.08.2017. As it is now stated that the petitioners have been allotted alternative sheds in the Agricultural Market Committee area, we see no reason to interfere with the order passed by the Learned Single Judge. Suffice it to direct the 3rd respondent-Municipality to issue allotment letters to all these 37 petitioners, with respect to the 37 sheds in the Agricultural Market Committee area, within one week from today.

The Writ Appeal is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

J. UMA DEVI, J.

Date:16.08.2017.

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