

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.26164 of 2016**

**ORDER:**

This writ petition is filed by the petitioners, under Article 226 of the Constitution of India, seeking to declare the action of the respondents in highhandedly dispossessing the petitioners in respect of their right in respect of the property to an extent of Ac.0.40 cents, situated in R.S.No.316/1B-1, Sai Baba Street, Bhimavaram, West Godavari District, Boundaries East: Water Tank Reservoir, West: Shopping Complex, North: Shopping complex, South: Huts, wherein the petitioners are eking out their livelihood by selling wholesale vegetables, as illegal and arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India, by setting aside action and consequently, direct the respondents to permit the petitioners to continue their business in selling wholesale vegetables in the said market.

2. Heard the learned counsel for both the parties and perused the material available on record. With the consent of the learned counsel for both the parties, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioners is that the petitioners are petty wholesale vegetable vendors and they are doing the said business in a market known as Wholesale Vegetable Vendor Market, situated in R.S.No.316/1B-1, Sai Baba Street, Bhimavaram, West Godavari District. It is further case of the petitioners that the 3<sup>rd</sup> respondent orally threatened the petitioners to evict from the above said schedule of property for the reason

that the Municipality want to construct Water Tank Reservoir for the purpose of public.

4. The main grievance of the petitioners is that the 3<sup>rd</sup> respondent is trying to dispossess the petitioners from the above said schedule property, even without doing any exercise for accommodating the petitioners in any alternative premises.

5. When the matter is taken up for hearing, it is informed by the learned Standing Counsel for the 3<sup>rd</sup> respondent that in view of a resolution passed, the respondent authorities have decided for accommodating the petitioners in an alternative place, more particularly, in the Agricultural Marketing Committee area and that they will not dispossess the petitioners without allotting alternative accommodation.

6. Recording the said submission made by the learned Standing Counsel for the 3<sup>rd</sup> respondent, the Writ Petition is disposed of directing the 3<sup>rd</sup> respondent to identify the place for allotting alternative accommodation to the petitioners within a period of ten (10) days from the date of receipt of a copy of this order and the 3<sup>rd</sup> respondent is directed to enmark the area to the petitioners by way of conducting a lot among the petitioners for doing business. After allotment of the said place to the petitioners, the petitioners are directed to vacate the subject premises on or before 15.08.2017. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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**RAJA ELANGO, J**

Date: 17<sup>th</sup> July, 2017  
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