

The Hon'ble Sri Justice A.Ramalingeswara Rao

Writ Petition No.8469 of 2017

Date: 27.03.2017

Order:

Heard the learned Counsel for the petitioner and the learned Standing Counsel for Secunderabad Cantonment Board appearing for respondent Nos.1 and 2.

The petitioner states that she is a physically challenged person having 40% permanent partial disability and that the NIMS issued a Medical Certificate to that effect on 24.12.1990. On her submitting an application for sanction of a PCO unit, the third respondent has sanctioned the same on 13-03-1992. Pursuant thereto, she established a PCO unit at Maharaja Colony, Sikh Village Road, near Yashodara Theatre, Secunderabad, got installed an electricity service connection to it and has been using the power supply to run the PCO. It is her case that after two decades, respondent Nos.1 and 2 have come to her PCO unit on 06.03.2017 and threatened her to remove the same. Hence, she filed the present Writ Petition.

The learned Counsel for the petitioner submitted that as of now, no notice has been issued to the petitioner and that as the petitioner has been running the PCO unit for the last 25 years, she shall not be asked to remove the same.

The learned Standing Counsel appearing for respondent Nos.1 and 2, after taking time, stated that no PCO unit is being run in the shed and that the shed has been erected on an empty road. He further submitted that since the said shed has been causing obstruction to the pedestrians, respondent Nos.1 and 2 asked the petitioner to remove the same voluntarily. The learned Standing Counsel has also produced copies of the photographs showing the shed in an isolated state on the edge of the road.

Though the learned Counsel for the petitioner sought for application of the principles of natural justice, this Court cannot direct the respondents to apply those principles without applying the mind and in every fact situation.

Since this Court is satisfied that no PCO unit is being run in the shed, the Writ Petition is not maintainable and the same is, accordingly, dismissed. However, it is open to the petitioner to remove the shed voluntarily and set up a new one at the place of her convenience only after obtaining due permission from the competent authority.

As a sequel to dismissal of the Writ Petition, WPMP.No.10470 of 2017, filed by the petitioner for interim relief, is disposed of as infructuous.

(A.Ramalingeswara Rao, J)

